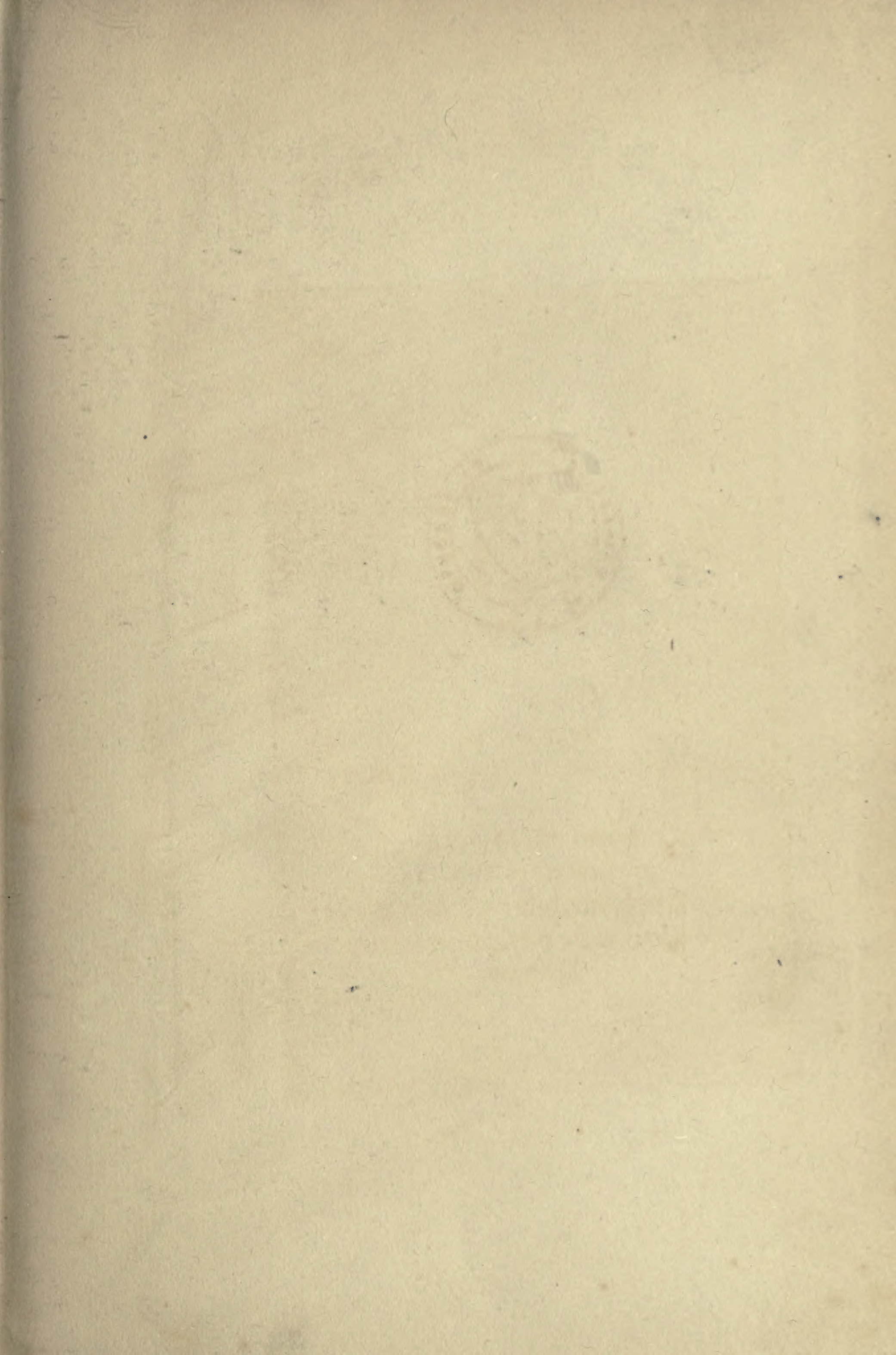
A CENTURY OF AMERICAN DIPLOMACY

JOHN W. FOSTER



A CENTURY OF
AMERICAN DIPLOMACY

BEING A BRIEF REVIEW OF THE
FOREIGN RELATIONS OF
THE UNITED STATES
1776–1876

BY

JOHN W. FOSTER



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PREFACE.

THE present work is the outgrowth of a series of lectures delivered in the School of Diplomacy of the Columbian University. Two motives have influenced their publication. The first is the hope of the author that by a study of this review of the diplomatic conduct of our most distinguished statesmen, the young men of the country may have their patriotism quickened, and be inspired with a new zeal to assist in maintaining the honorable position of our government in its foreign relations. Few may be able to enter the diplomatic service, but every citizen may exercise an influence in so shaping our foreign policy that the government shall continue to occupy a worthy position among the nations of the earth. The other motive is the belief that, in view of the recent enlarged political and commercial intercourse of the United States with other powers, a succinct history of the diplomatic affairs of the government from its foundation would be opportune, and that it might be useful in the solution of the questions of foreign policy now so urgently presented to the American people.

It has been deemed best not to include a review of

the events of the last quarter of a century, as they are yet fresh in the memory of the present generation. The only exception to this course is found in the sketch of the Monroe Doctrine, in Chapter XII. To enable students to further pursue their investigations on the topics presented, citations are given of authorities or original sources of information on most important events. It is to be noted that citations of treaties of the United States are not given, for the reason that they all appear in the "Treaties and Conventions between the United States and other Powers" (government edition of 1889), arranged alphabetically as to countries and in chronological order. It is regretted that the engagements of a busy professional life have prevented the author from treating the subjects more exhaustively or from giving a more extended list of citations. Acknowledgment is made of courtesies extended, in the preparation of the work, by Mr. Andrew H. Allen, the efficient librarian of the Department of State.

WASHINGTON, September, 1900.

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A CENTURY OF AMERICAN DIPLOMACY.

CHAPTER I.

THE REVOLUTIONARY PERIOD.

The British North American colonies sought for admission into the family of nations in a transition epoch in the development of international law and diplomacy. These were the offspring of the latter period of the Middle Ages. Diplomacy could have no existence in the Roman Empire, because Rome would permit no relation with any other state, save that of subjection on the part of the other. Diplomatic negotiations necessarily imply a certain equality of relations. It was not until the modern nations began to be evolved from the chaos resulting from the overthrow of the Roman Empire, and they assumed some degree of stability, and recognized in each other an equality in international intercourse, that international law became a formative code of principles controlling the conduct of nations. Although the treatises of Grotius had been written a hundred years, the eighteenth century, which records the revolt of the American colonies, repeatedly witnessed the disregard of this code and its principles set aside by the more powerful nations.

The definition and etymology of the word diplomacy illustrate its history. It may be at this day defined to be the art of conducting the intercourse of nations with each other. A fuller definition is found in the Century Dictionary: "The science of the forms, ceremonies, and methods to be observed in conducting the actual intercourse of one state with another, through authorized agents on the basis of international law; the art of conducting such intercourse, as in negotiating and drafting treaties, representing the interests of a state or its subjects at a foreign court," etc. It is a word of modern origin, not found in Johnson's Dictionary, issued about the middle of the last century, being derived from the word *diploma*, the significance of which grew out of the practice of sovereigns of the mediæval period, following the Roman method of preservation of important documents, in having their royal warrants, decrees, and finally their treaties carefully inscribed on parchments or diplomas. The knowledge of these ancient documents became a special study by a class of officials, who, in that period, were intrusted with the framing of treaties.[1] The word is said to have been first used in French by Count de Vergennes, Minister of Louis XVI., and in English by Burke, contemporaries in our Revolutionary period.

Diplomacy and its code — international law — are the outgrowth of the conflict of nations in recent centuries, the slow but steady development and triumph of justice and the principles of humanity over tyranny and force, resulting in the amelioration of the horrors

[1] Encyclopædia Britannica, "Diplomatics."

of war and the greater reign of reason. Diplomatic history treats of high motives and the progress of just principles, and in recent times the wars of the nations and their political disputes have resulted in the evolution of a recognized code of universal and impartial justice as applied to the governments of the world. There is no more striking illustration of this fact than the diplomatic history of the United States. A new nation in a new world, untrammeled by the traditions and institutions of past ages, born to power and greatness almost in a day — from the beginning of its political existence it made itself the champion of a freer commerce, of a sincere and genuine neutrality, of respect for private property in war, of the most advanced ideas of natural rights and justice; and in its brief existence of a century, by its example and its persistent diplomatic advocacy, it has exerted a greater influence in the recognition of these elevated principles than any other nation of the world.

The study, therefore, of our diplomatic history becomes most important and profitable. In view of its past record, the United States occupies to-day a conspicuous and interesting position among the nations. Called by the fortunes of war and its enlarged wealth and power to great responsibilities, if it shall prove true to its past history, it must not lower its standard of universal justice, or lose its interest in the betterment of the human race. It has been well said that it is impossible to separate the policy of the government from the conscience of the nation.

The diplomatic record which our country has made

in the first century of its existence is one in which any American citizen may take just pride, and in the following pages I propose to direct the attention of the reader, although within a brief compass, to the salient features of that record.

In entering upon this review, the first epoch which calls for examination is that which embraces the period from the earliest formation of the union of the colonies to the adoption of the Constitution of 1787. The diplomatic relations of the rising nation were of slow growth, and were gradually developed by the necessities of the struggle for independence. By the Articles of Confederation the Continental Congress was empowered to make peace and declare war, to send and receive ambassadors and make treaties and alliances, but it could only enter upon the latter with the assent of nine of the thirteen States. It is doubtless from this provision that the Federal Constitution took the clause requiring all treaties for their ratification to receive a two-third vote of the Senate.

Originally the Confederation was without executive officers, and all its business, both foreign and domestic, was conducted through committees. In 1775 a "Secret Committee on Foreign Correspondence" was appointed, of which Benjamin Franklin and John Jay were members, and in 1777 it was changed to the "Committee on Foreign Affairs." The personnel of this committee was frequently changed; Thomas Paine acted as its secretary for some time, but he was finally dismissed for misconduct in office. Through these committees all the foreign relations of the Colonies

were conducted up to 1781, when the committee was abolished, and a " Department of Foreign Affairs " was established. By that time a considerable diplomatic representation had been sent to Europe, the treaties of alliance and of commerce with France had been negotiated, and important relations with other nations were being established. The conduct of these relations through a committee had proved most unsatisfactory. Mr. Lovell, the only member at that time who seemed to take an interest in its business, wrote in August, 1779, " There is really no such thing as a Committee of Foreign Affairs existing — no secretary or clerk further than I persevere to be one and the other. The books and the papers of that extinguished body lay yet on the table of Congress, or rather are locked up in the secretary's private box." [1]

Congress finally took the matter in hand, and appointed a committee which submitted the plan for the organization of the department, and in its report states: " That the extent and rising power of the United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connection. That, to render such an intercourse advantageous, the necessity of competent knowledge of the interests, views, relations, and systems of those potentates, is obvious. . . . That to answer those essential purposes the committee are of opinion that a fixed and permanent office for the Department of Foreign Affairs ought forthwith to be

[1] The Department of State, its History and Functions (1893), pp. 7, 15.

established as a remedy against the fluctuations, the delays, and indecision to which the present mode of managing our foreign affairs must be exposed."[1] The committee thereupon recommended that a Secretary of Foreign Affairs be appointed, and proceeded to set forth his duties. He was to keep an office, employ suitable clerks, and conduct the foreign correspondence of the government. It was provided that all his communications were to be laid before Congress; he was "to transmit abroad such communications, as Congress shall direct, to the ministers of these United States, and others at foreign courts, and in foreign countries; the secretary shall have liberty to attend Congress, that he may be the better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department."

While the Secretary of Foreign Affairs of the Confederation possessed little of the independent action of the Secretary of State under the Constitution, he enjoyed one privilege not granted to the latter, to wit, the right of attending and taking part in the deliberations of Congress.

We learn from a report to Congress in 1782 that the entire force of the department consisted of the secretary, at a salary of $4,000; two assistant secretaries, at salaries of $800 and $700 respectively; and of one clerk at $500; making a total of four officials at a cost of $6,000.[2] The first secretary was Robert R. Livingston, a member of the celebrated Livingston family of New York which rendered such important service to the

[1] 2 Secret Journals of Congress, 580. [2] 5 Ib. 93.

country during and after the Revolution. He was a member of the committee which framed the Declaration of Independence, and was later the minister to France who negotiated the purchase of Louisiana. He was succeeded in 1783 by John Jay, whose services we shall have frequent occasion to consider in the succeeding chapters, one of the negotiators of two of the most important treaties of our country's history, and the first Chief Justice of the United States.

Some idea of the peculiar relation existing at that period between the Continental Congress, the Secretary for Foreign Affairs, and our ministers abroad, may be formed from the following extract from a report submitted by the secretary to Congress in 1782: —

"Dr. Franklin has a part of Mr. Chamont's house at Passy; he keeps a chariot and pair, and three or four servants, and gives a dinner occasionally to the Americans and others. His whole expense, as far as I can learn, is very much within his income. Mr. Adams lives in lodgings; keeps a chariot and pair, and two menservants. He has hitherto retained a private secretary, who will, in the absence of Mr. Dana, it is presumed, be paid by Congress. I have lately heard that Mr. Adams was about to take a house. Mr. Dana's salary, even if he should assume a public character in a country where the relative value of money is so high, that, if I am well informed, an elegant house may be hired for fifteen guineas a year, is very ample. Of Mr. Jay's manner of living, I have been able to give no account, but I should conclude from the price of the necessaries of life in that part of Spain in which he

lives, from the port the court and the people about it maintains, and above all, from its sitting in different parts of the kingdom, that to live in the same style with Dr. Franklin, his expenses must amount to nearly the double of theirs. But as every conjecture of this kind must be very uncertain, all I can do is to lay before Congress the relative expense, as far as I can learn it, between the different places at which the ministers reside, taking Philadelphia for a standard. Paris, if wine, clothing, and wages of servants are included, is about twenty per cent. cheaper than Philadelphia; Amsterdam, ten; and at Madrid the expenses of a family are somewhat higher than at this place. But from the unsettled state of those who follow the court, their traveling equipage and charges must greatly enhance this expense. Congress will make their own deductions from these facts, after allowing for their inaccuracy." [1]

It may be said to the credit of the Congress, that though it concerned itself with these petty details, it made liberal allowances to its diplomatic representatives abroad, considering the poverty of its treasury and the large demands upon it for the conduct of the war. The annual allowances to Dr. Franklin and Messrs. Adams and Jay were over $11,000 each — a more liberal sum than is granted to our representatives at those capitals to-day, if the relative cost of living is taken into consideration.

The Declaration of Independence was not only a challenge to Great Britain; it was the assertion by the colonies of their right to an independent place among

[1] 3 Secret Journals, 128.

the nations of the earth, and an appeal to the nations to recognize the justice of that claim. It opened up to Congress a new duty, and another field of effort besides the contest of arms in which the Colonies had engaged with the mother country — the new relation which they were to sustain towards the governments of Europe. Two views of our foreign intercourse were entertained: the one, that we should not send ministers to foreign courts until some assurance was obtained that they would be received; and the other, that for the attainment of our independence we should seek good relations, if not alliances, with the nations unfriendly to England. These opposing views were well expressed in Congress by Franklin and Adams. Said Franklin: "A virgin state should preserve the virgin character, and not go abroad suitoring for alliances; but wait with decent dignity for the application of others." "I think," said John Adams, "we have not meanly solicited for friendships anywhere. But to send ministers to any great court in Europe, especially the maritime courts, to propose an acknowledgment of the independence of America and treaties of amity and commerce, is no more than becomes us, and in my opinion is our duty to do." [1] The latter view so harmonized with the necessities of the situation that it was readily adopted by Congress.

The first representative sent abroad went in strange contrast with our diplomats of later days. Information had been received through friends of Dr. Franklin that France was inclined to render the cause aid in a surreptitious manner, but that it could not appear publicly as

[1] Trescot's Diplomacy of the Revolution, 16, 17.

our friend. Congress thereupon decided to send to Paris an authorized agent. Silas Deane, a member of that body from Connecticut, has the distinction of being the first named American diplomat. His mission was to ascertain the disposition of the French government, and to obtain much needed material and supplies for the army. His letter of instructions, prepared by the Committee on Secret Correspondence, is an interesting document. It is dated March 3, 1776, and bears the distinguished signatures of Franklin, Benjamin Harrison, Dickinson, Robert Morris, and John Jay. It sets forth the character he is to assume, of a merchant engaged in the West Indian trade, furnishes him the names of various friends of America he is to put himself in contact with, describes the military supplies most needed, how he is to conduct himself towards the French government if he can secure audience with Count de Vergennes, Minister of Foreign Affairs, and does not omit such details as to how he can secure the best "opportunity of acquiring Parisian French."[1]

A curious statement as to the knowledge possessed by the American envoys in Europe of the language and methods of diplomacy is found in a letter of John Adams three years later. In transmitting his accounts to the Treasury Board, he says: "I found myself in France ill-versed in the language, the literature, the science, the laws, customs, and manners of that country, and had the mortification to find my colleagues very little better informed than myself, vain as this may seem." He thereupon incloses an account for "a large

[1] 2 Diplomatic Correspondence of the American Revolution, Wharton's edition, 78.

collection of books . . . calculated to qualify one for conversation and for business, especially the science of negotiation."[1] Mr. Deane is said to have acquired a sufficient knowledge of French for conversation only. Dr. Franklin spoke the language imperfectly, and was able "to write bad French."

Deane's departure from the United States was made secretly; he traveled under the assumed name of "Timothy Jones" and in the character of a merchant, and, it is said, carried with him a supply of invisible ink with which to write his reports. His presence and real character were soon discovered by the vigilant British ambassador, and his expulsion from France was demanded, but refused.

He reached France in the summer of 1776, and found the cause of the Revolution in a fair way to receive very substantial aid. Dr. Duborg, the friend and correspondent of Franklin, had been untiring in his efforts, and had secured from the royal arsenals, in a mysterious way, some fifteen thousand stand of arms, and could have obtained brass cannon by the same method, he writes, but "for the circumstance of their bearing the king's arms and cipher, which made them too discoverable."

Among the most important of the early friends of the colonies was Caron de Beaumarchais, an exceptionally unique and fantastic character of the last half of the eighteenth century. He was of lowly origin, by occupation a watchmaker; he developed great talents in business and purchased an office which gave him a certain standing with the nobility; in early years he

[1] Ib. 327.

showed marked taste for music, which was cultivated in his education, and he became one of the first operatic composers and authors of his day; his personal beauty and grace of manner won him a favorable marriage, but the early and sudden death of his wife raised against him the charge of poisoning, which he refuted, only to be renewed on his second marriage with a rich widow and her early demise. He was a daring speculator and at various periods was the possessor of a fortune; his musical talent, his reputation as an author, his boldness of character and chivalrous address made him a great favorite in the court and political circles of Louis XV. and Louis XVI. At the outbreak of the Revolution he conceived the design of becoming the secret agent of the French government in furnishing material aid to the revolted colonies of the traditional enemy of France. He made journeys to London, where he met Arthur Lee, of Virginia, a young barrister, who had succeeded Franklin as agent for the colony of Massachusetts, and had enlisted Lee in his scheme. How far he had progressed with the French government may in part be seen by the following letter of Count de Vergennes, Secretary for Foreign Affairs, addressed to the king, with the early date of May 2, 1776, two months before the arrival of Deane, which also illustrates the view which the French government entertained of its duty as a neutral: —

"Sire: I have the honor of laying at the feet of your Majesty the writing authorizing me to furnish a million of livres for the service of the English colonies. I add also the plan of an answer I propose to make to

the Sieur Beaumarchais. I solicit your approbation to the two propositions. The answer to M. de Beaumarchais will not be written in my hand, nor even that of either the clerks or secretaries of my office. I shall employ for that purpose my son, whose handwriting cannot be known. He is only fifteen years old, but I can answer in the most positive manner for his discretion. As it is important that this operation should not be suspected, or at least imputed to the government, I entreat Your Majesty to allow me to direct the return of the Sieur Montaudoin to Paris. The apparent pretext for that proceeding will be to obtain from him an account of his correspondence with the Americans, though in reality it will be for the purpose of employing him to transmit to them such funds as Your Majesty chooses to appropriate to their benefit, directing him, at the same time, to take all necessary precautions, as if, indeed, the Sieur Montaudoin made the advance on his own account. On this head, I take the liberty of requesting the orders of Your Majesty. Having obtained them, I shall write to the Marquis de Grimaldi [Spanish Minister of Foreign Affairs], inform him in detail of our proceedings, and request his coöperation to the same extent."[1]

Immediately after Deane's arrival in Paris, he came into relations with Beaumarchais, and the relief by way of war materials to the American army was greatly accelerated. In September, 1776, Deane wrote to Robert Morris, "I shall send you in October clothing for 20,000 men, 30,000 muskets, 100 tons gunpowder,

1 2 Dip. Cor. Rev. (Wharton) 89.

200 brass cannon, 24 mortars, with shot, shell, etc., in proportion."[1] And in November he obtained credit to the amount of $2,500,000. Meanwhile the scheme of Beaumarchais had taken definite shape. Ever since the revolution of the British Colonies had assumed an organized existence he had been active with his facile pen, and had labored by his personal interviews to bring the French government to the support of the Colonies. He first enlisted Vergennes in his scheme, and French historians of the period give him credit for finally winning the approval of the king to the rebel cause and to the plan which his fertile brain had devised. In a memorial to Louis XVI. as early as February, 1776, he wrote: "If it be replied that we cannot assist the Americans without wounding England and without drawing upon us the storm which I wish to keep off, I reply that this danger will not be incurred if the plan I have so many times proposed be followed — that of secretly assisting the Americans without compromising ourselves. . . . If Your Majesty has not at hand a more clever man to employ in the matter, I undertake and answer for its execution without any one being compromised, persuaded that my zeal will supply my want of talent better than the talent of another man could replace my zeal."[2]

The king having finally approved the scheme, it was agreed with Count de Vergennes that Beaumarchais should establish a mercantile house under the fictitious style of "Roderique Hortalez et Cie," whose business

[1] 2 Dip. Cor. Rev. (Wharton) 148.

[2] 3 Loménie's Beaumarchais and His Times, 122.

it would be to "sell" to the Colonies the military supplies which France could not, without incurring the charge of a violation of the rules of neutrality. It is held to be a legitimate transaction for a mercantile house to furnish to a belligerent military supplies which have been purchased of a neutral government in the ordinary course of trade. For instance, after our late Civil War the government of the United States disposed at public sale of a large amount of surplus arms, a portion of which went into the hands of the French during the Franco-German war of 1870, but the sale was not made by the United States with that intent. The firm of Hortalez & Co. established itself on a prominent street in Paris in a large residence formerly owned by the Netherlands government as its embassy. The head of the firm was reported to be a Spanish banker, but he never was seen, and Beaumarchais answered all confidential inquiries. One million livres was furnished the house by the French government, and on its indorsement one million more was supplied by the Spanish government, which out of hatred to the British was inclined to aid the Colonies. With this capital the firm was enabled to inaugurate an active business. Deane, who sought to obtain arms and equipment for twenty-five thousand men from the French government, was *officially* refused, but he was *semi-officially* referred to Beaumarchais, who with the capital acquired procured the arms and equipment from the government arsenals, and delivered them to Deane, who was to repay them by Congressional shipment of cargoes of tobacco and other American products.

During the existence of this firm, from 1776 to 1783, it is said that its disbursements amounted to over 21,000,000 livres, and a considerable part of this amount was used in the purchase and shipment of military stores for the American army. Beaumarchais, however, had much difficulty in obtaining a settlement of his accounts from the Continental Congress, mainly because of the uncertainty as to what portion of his capital was intended by the French government as a gratuity to the Americans. Arthur Lee, who, as we shall see, was appointed by Congress one of its diplomatic representatives at Paris, conceived a bitter enmity to Beaumarchais and Deane, and sent such reports to Congress as cast doubts upon the correctness of the accounts as rendered. Beaumarchais sought in vain a settlement up to his death, in 1799. During every administration and almost every Congress for many years this claim was the subject of investigation and discussion, in which figured prominently what was called the "lost million" — a part of the capital of Hortalez & Co., and it was finally settled by the treaty of 1831, it being agreed that out of the sum paid by the United States under that convention 800,000 francs should go to the heirs of the claimant. Beaumarchais was a product of the peculiar diplomacy of the period, which sought to accomplish its purposes through duplicity and indirection. His fictitious firm was such a thin disguise that it was soon penetrated by the active British ambassador, with the aid of his corps of spies, but it answered the purpose as a temporary expedient of the French government until it suited the ends of that

government to enter into an open alliance with the Colonies. At this day the fame of this fantastic personage is divided between his disguised services to the cause of America and his authorship of those charming plays "Figaro" and "The Barber of Seville."

Another important personage of the French nation, who tendered his services to the Americans a little later, inspired by the most exalted sentiments, distinguished by gallantry on the field, and by a lifelong devotion to the cause of liberty, was the Marquis de Lafayette, who stands at the head of the roll of honored foreigners who have contributed to the greatness of our country. His services lie almost wholly beyond the scope of diplomacy, but it will be of interest to read an extract from the letter of the American envoys in Paris, Messrs. Franklin and Deane, to Congress, announcing his departure for America: —

"The Marquis de Lafayette, a young nobleman of great family connections here and great wealth, is gone to America in a ship of his own, accompanied by some officers of distinction, in order to serve in our armies. He is exceedingly beloved, and everybody's good wishes attend him; we cannot but hope he may meet with such a reception as will make the country and his expedition agreeable to him. Those who censure it as imprudent in him do nevertheless applaud his spirit, and we are satisfied that the civilities and respect that may be shown him will be serviceable to our affairs here, as pleasing not only to his powerful relations and to the court, but to the whole French nation. He has left a beautiful young wife, *enceinte*, and for her sake

particularly we hope that his bravery and ardent desire to distinguish himself will be a little restrained by the general's prudence, so as not to permit his being hazarded much, but on some important occasion."[1]

Deane had no direct intercourse with the French court for some time after his arrival in Paris, but his reports to Congress show that he was not neglectful of the high court influences. In his letter of December 3, 1776, he writes: "The queen is fond of parade, and, I believe, wishes for war, and is our friend. She loves riding on horseback. Could you send me a fine Narragansett horse or two? The money would be well laid out. Rittenhouse's orrery, or Arnold's collection of insects, — a phaeton of American make, and a pair of bay horses, — a few barrels of apples, walnuts, cranberries, butternuts, etc., would be great curiosities."[2]

I find no record of the action of Congress on this recommendation of its representative, and our diplomatic history is silent as to whether the Naragansett pony, the American phaeton, the bays, the insects, the apples, the cranberries, or the butternuts ever reached their august destination, but the incident suggests that Deane might have enjoyed the acquaintance of the donor of the diamond necklace, so notorious in French society of that day.

The not very creditable relations established with the French government through Beaumarchais were not long to be maintained. It became apparent to Congress that France was so fully inclined to the Revolution that she must ere long openly espouse its cause.

[1] 2 Dip. Cor. Rev. (Wharton) 324. [2] Ib. 214.

John Adams had, soon after the outbreak, urged that steps be taken to effect a treaty with that nation, and was persistent in advocating the policy. "Some gentlemen," he wrote, "doubted of the sentiments of France, thought she would frown upon us as rebels, and be afraid to countenance the example. I replied to these gentlemen, that I apprehended they had not attended to the relative situation of France and England; that it was the unquestionable interest of France that the British continental colonies should be independent; that Britain, by the conquest of Canada and her naval triumphs during the last war, and by her vast possessions, . . . was exalted to an height and preëminence that France must envy and could not endure. But there was more than pride and jealousy in the case. Her rank, her consideration in Europe, and even her safety and independence, were at stake."[1]

Congress finally yielded to the arguments of Adams, and in June, 1776, a committee consisting of Dickinson, Franklin, John Adams, Benjamin Harrison, and Robert Morris, was appointed to prepare a form of treaty to be proposed to foreign powers, and in September, 1776, the committee submitted its report in the shape of an elaborate draft of a treaty, mainly the work of John Adams, consisting of thirty articles. This draft is an early indication of the advanced views of international law entertained by American statesmen. It sets forth principles which had not up to that time been incorporated in any treaty, but which have since been recognized by all nations. By practical articles it defined

[1] 2 Works of John Adams, 504.

neutrality more perfectly and correctly than had been done before, and assigned to commerce guarantees not theretofore enjoyed. It was almost exclusively a commercial treaty, and asked no military aid or support. It was drawn up in consonance with the views of Adams, from which I have just quoted. In the report he said: "Our negotiations with France ought to be conducted with great caution, and with all the foresight we could possibly obtain; we ought not to enter into any alliance which should entangle us in any future wars in Europe; . . . it never could be our interest to unite with France in the destruction of England. . . . Therefore, in preparing treaties to be proposed to foreign powers, and in the instructions to be given to our ministers, we ought to confine ourselves strictly to a treaty of commerce; such a treaty would be ample compensation to France for all the aid we should want from her." [1]

Congress approved the plan of treaty reported, and Franklin, Deane, and Thomas Jefferson were commissioned to represent the United States at the court of Versailles, but Jefferson being compelled by family afflictions to decline, Arthur Lee was named in his place. As they were the first diplomatic representatives commissioned by the United States, it will be of interest to quote in full their letter of credence: —

"The Delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to all who shall see these presents; send greet-

[1] 2 Secret Journals of Congress, 7.

ing; — Whereas a trade, upon equal terms, between the subjects of his most Christian Majesty, the King of France, and the people of these States, will be beneficial to both nations; — Know ye, therefore, that we, confiding in the prudence and integrity of Benjamin Franklin, one of the Delegates in Congress from the State of Pennsylvania, and President of the Convention of the said State, etc., Silas Deane, now in France, late a Delegate from the State of Connecticut; and Arthur Lee, barrister at law, have appointed and deputed, and by these presents do appoint and depute them, the said Benjamin Franklin, Silas Deane, and Arthur Lee, our Commissioners, giving and granting to them, the said Franklin, Deane, and Lee, or any two of them, and in the case of the death, absence or disability of any two, or any one of them, full power to communicate, treat, agree and conclude with his most Christian Majesty, the King of France, or with such person or persons, as shall by him be for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace for the defense, protection and safety of the navigation and mutual commerce of the subjects of his most Christian Majesty, and the people of the United States, and to do all other things, which may conduce to those desirable ends, and promising in good faith to ratify whatsoever our said Commissioners shall transact in the premises. Done in Congress, in Philadelphia, the thirtieth day of September, in the year of our Lord one thousand seven hundred and seventy-six."[1]

[1] 2 Secret Journals of Congress, 32.

As I have already stated, Deane was then in Paris, discharging the duties of private agent, and Lee, being compelled to leave London, had joined him. When the news of Franklin's landing in France reached Paris, Lord Stormont, the British ambassador, threatened to leave the country if the "chief of the American rebels" was permitted to enter the city. Vergennes, the Minister of Foreign Affairs, contented himself with assuring the ambassador that a courier had been sent to meet Franklin and forbid his coming to the capital; but he added that if, perchance, the Doctor should reach Paris without encountering the messenger, the government would not like to send him away, "because of the scandalous scene this would present to all France, should we respect neither the laws of nations nor of hospitalities."

Benjamin Franklin was such a unique character in diplomatic history, that, at this stage of our narrative, he calls for more than a passing notice. He was our first, and, by all odds, our greatest American diplomat. His work began at the very outset of our career as a nation, as he was commissioned by the Continental Congress in October, 1774, to lay its address before the king of Great Britain; and his services as such continued all through the struggle for independence and until some time after he had signed the treaty of peace in 1783. Of the numerous agents and representatives who were sent abroad by the Continental Congress, he was the only one who possessed any experience in diplomatic affairs. His training in this branch of the public service began as early as 1757, when he was sent to

London to represent the Assembly of Pennsylvania before the British government, and later was also made the agent for Massachusetts, New Jersey, and Georgia. He was then fifty-one years of age and already a fully developed man. He had flown his kite and made himself famous in the wondrous field of electricity. He had also attained such celebrity as an essayist that a volume of his treatises had been translated into French, German, Italian, and Latin. At that time he was the most widely known American. His residence in England, extending over more than fifteen years, brought him in personal and intimate contact with the most distinguished men in government, literature, and science.

It will not be possible for me to give even the briefest epitome of his public service in England, but two events may be mentioned as illustrative of his diplomatic conduct. One of the important measures he had in hand for the colony was what is known as "The Affair of the Grant" — the placing upon the market of an immense tract of public lands in Pennsylvania. The minister of the cabinet, by whom it had to be acted upon, a personal enemy of Franklin, decided against it, and it was appealed to the privy council. To aid in overcoming the opposition, Franklin induced three members of the council to take a personal pecuniary interest in the enterprise. He supplemented the pecuniary interest he had awakened in that body by an able argument before the privy council, won his appeal, and brought about the resignation of the defeated minister. Lobbying was not unknown in the early days of our history.

Some years later Franklin was again before the privy council, but under adverse circumstances. The Colonies were on the eve of their revolt and excitement and prejudice ran high against them in London. Franklin was arraigned for the surreptitious publication of "The Hutchinson Letters," the details of which need not here be given. It was a trying ordeal through which he had to pass, standing in the full view of the council, listening to the abuse of the solicitor-general and the vote of censure of the council. Lord Shelburne, in a letter to the Earl of Chatham, referred to "the indecency of the behavior" of the judges of the council, and characterized the solicitor-general's speech as the "most scurrilous invective." Lord Campbell, in his "Lives of the Lord Chancellors," says of this affront, "It mainly conduced to the civil war which soon followed, and to the dismemberment of the empire, by exciting overweening arrogance on the one side, and rankling revenge on the other." Franklin records: "I made no justification of myself from the charges brought against me . . . but held a cool, sullen silence, reserving myself to some future opportunity."

From that day British official circles regarded Franklin as a traitor, and his usefulness in London was ended. The treatment he received greatly embittered his sentiments towards England, and for the moment he lost his better judgment, as evinced by the preparation of an indiscreet official document, which, however, through the advice of friends, was never delivered. On the occasion of his arraignment before the council it was noticed that he appeared in "a full-dress suit of spotted

Manchester velvet." It will be seen hereafter how important a part this velvet suit played in his later diplomatic career.

He returned to America in May, 1775, but, as already stated, before the end of the next year he was in Paris, sent by Congress as a member of a commission to represent the cause of American independence before the governments of Europe, and to this work for the next nine years he devoted himself with unflagging loyalty to his country. He had quitted England with angry farewells, but the French received him in a furor of welcome. His writings, his scientific research, his philosophic turn of mind, his republican simplicity, and his peculiar dress contributed to make him the most noted man of the gay and learned French capital. The shop windows were full of his venerable portraits, the people made way for him in the streets, and he was always sure of a demonstration in public assemblies. He lived in comfortable style, with house, carriage, and retinue of servants, such as became his office and the times. John Adams, who was for a while his colleague, characterized his method of living as luxurious and extravagant, but the latter's ideas of life were severe if not parsimonious. His statement of Franklin's reputation in Europe is both curious and interesting. He wrote, "His name was familiar to government and people, to kings, courtiers, nobility, clergy, and philosophers, as well as plebeians, to such a degree that there was scarcely a peasant or a citizen, a *valet de chambre*, coachman, or footman, a lady's chambermaid, or a scullion in a kitchen, who was not familiar with it, and

who did not consider him a friend to the human kind. When they spoke of him they seemed to think he was to restore the golden age."[1]

Franklin and his colleagues did not find the work before them an easy task. They were confronted with many embarrassments. Not the least of these was the difficulty of maintaining communication with Congress and the agents of their government in other parts of Europe. We have seen that Deane brought over with him a supply of invisible ink. He was accustomed to write his dispatches to Congress between the lines of illusory business letters which the home committee on correspondence was enabled to bring out by the aid of an acid.[2] The following was one of the instructions as to correspondence: "When you write to me, please to write upon common post paper, to fold your letters as nearly the size and after the manner of this as may be — to seal them with wafers instead of wax, and to send them by way of Holland to the care of Mr. Adams, or to Messrs. De Neufville & Sons, or Messrs. Ingraham & Bromfield, of Amsterdam, and to be careful not to swell them unnecessarily above the size of common mercantile letters. If these particulars are not attended to, all the precautions I can take will not keep them out of the hands of the ministry." This injunction arose out of the fact that when letters from America, suspected of being official, reached a European post-office they were opened, and, if judged politic to do so, they were detained. Mr. Jay states that during his

[1] 1 John Adams's Works, 660.

[2] 1 Jay's Correspondence and Papers, 84.

residence in Madrid he received no letters that did not bear the marks of having been opened, and that those he received he supposed to form but a fraction of those kept back.

Added to the espionage of the mails was the hazard of capture by the British cruisers and blockading vessels. It was the practice of the committees of Congress and the diplomatic agents abroad to prepare at least four copies, and sometimes seven, of every communication, and dispatch them by successive vessels or by vessels from different ports, and the envelopes containing them bore the indorsement, "To be sunk in case of danger from enemy." And yet with all these precautions often not a single copy reached its destination. When Congress had as many as twelve agents in Europe, there was once a period of eleven months during which Congress did not receive a line from any one of them. The papers taken when Mr. Laurens, minister to Holland, was captured were the cause or pretext on which England declared war against that country. The British had a clue to the cipher used by Congress and its correspondents, and captured dispatches were often distorted and dishonestly deciphered and then used to the injury of the writers and their governments. This we shall see is believed to have been the case with an important dispatch of the French representative in America, M. Marbois, which played such a conspicuous part in the peace negotiations of 1782.[1]

The American envoys had also to contend with the

[1] 1 Dip. Cor. Rev. 461–463.

British system of bribery, corruption, and a large corps of spies which watched their every movement in Paris and elsewhere in Europe. Deane in his first interview with Vergennes was warned by him to be on his guard against Lord Stormont, the British ambassador, whose spies would be aware of his conduct.[1] Walpole's system of politics, to which is attributed the aphorism, "Every man has his price," had permeated the British diplomatic service, and bribery was a common method of attaining the ends of the representatives. One of the most noted British diplomatists of that period, the Earl of Malmesbury, then ambassador at St. Petersburg, was not only lavish in the corrupt use of money to reach the interior secrets of that court, but unblushingly records them. The abundant use of money for such purposes is often the subject of comment by British historians of the time, and by none was it more freely used than by the ambassador in Paris. It is now known that more than one secretary of the American envoys was in the pay of the British government.[2] A deliberate attempt to allure Dr. Franklin from the cause, by tempting offers of pecuniary reward and titles of nobility, was made during his residence in the French capital, and his reply to these offers was one of the most notable productions of his pen; in Adams's homely style it is described as "a dose which will make them sick."[3]

Soon after Franklin's arrival in Paris the American commissioners were received in private audience by the French Minister of Foreign Affairs, M. de Vergennes.

[1] 2 Dip. Cor. Rev. 115. [2] 1 Ib. 264, 539, 541. [3] 2 Ib. 633.

They reported to Congress: "It was evident that this court, while it treated us privately with all civility, was cautious of giving umbrage to England, and was, therefore, desirous of avoiding open reception and acknowledgment of us, or entering into any formal negotiations with us, as ministers from the Congress."[1] The treaty which Congress had drawn up they soon found was an impossibility. As a purely commercial treaty it was, in great part, unobjectionable, but if France was thereby to recognize the independence of the United States, it would by that act incur the hostility of England, and, hence, would require the United States to enter into an offensive and defensive alliance. Besides, matters in America were going badly for the Colonies. Diplomacy can do little in the face of military reverses. The winter of 1776–77 was a gloomy one for the cause of the Revolution. The authority of Congress was not respected, the forces were depleted by desertions, the officers dissatisfied, and new levies came slowly. The spring of 1777 opened with the British arms everywhere triumphant; Howe in Philadelphia, Clinton in New York, and Burgoyne moving down from the north with an apparently irresistible army. In France the tone of the government was changed, supplies did not come with freedom, privateers were seized in its ports, and even Beaumarchais became alarmed for his safety. "My government," he said to Franklin, "will cut my throat as if I was a sheep."

The year wore on towards its close with nothing but gloom and discouragement for the American envoys;

[1] 2 Ib. 283.

but one night early in December a dinner party in Franklin's home at Passy was interrupted by the arrival of a courier with important news. Bourgoyne and his entire army had surrendered to the Continental forces. Beaumarchais, one of the dinner party, rushed off with such precipitation to carry the news to the court at Versailles that he upset his coach and dislocated his arm. As the news spread throughout Europe, a great change came over political circles, especially in France. Within a few days the king's minister, M. Gerard, waited on the American envoys, and informed them that his Majesty had resolved to make the treaties which had been discussed, and their terms were easily agreed upon, but from military considerations they were not signed till February 6, 1778. The one was a commercial treaty, following largely the draft prepared by Congress, but the other was in direct antagonism to the views of Adams already quoted, and not authorized by the instructions of Congress — both a military and political alliance with France. It recognized the independence of the United States, and declared the object of the alliance to be the achievement of that independence; provided for combined military movements; made the negotiations for peace conditional on joint consultation and approval; stipulated for the division of probable conquests; and mutually guaranteed the possessions in America of the respective parties.

This treaty has importance and interest in that it was the first celebrated by the new nation; but it has the added importance and interest that it was both the first

and the only treaty of alliance ever negotiated by this country. It is an interesting speculation whether without it the independence of the United States could have been achieved. Assuredly it shortened the contest, and saved much bloodshed and treasure; and, under the circumstances, its wisdom cannot be questioned. But its subsequent history and early abrogation or repudiation have made of it a red beacon of warning against similar conventions in the future. We shall see that in the peace negotiations with England its spirit had to be violated, and that in the administrations of Washington and the elder Adams it brought us to the verge of another war with Great Britain, which we only escaped by denying its binding obligations in a manner little creditable to our international reputation. It would be hazardous to say that its lesson is that no future treaties of alliance should be made, but it does teach that such compacts bring future embarrassments, and that they should be entered upon only in times of extreme necessity.

At the ceremony of signing the treaties, it is said that Franklin donned the "spotted Manchester velvet suit" which he had worn at the session of the privy council in London when he was so severely censured. The celebration of the treaties was followed by the public reception of the American envoys by the king and the court; they were entertained at dinner by the Minister of Foreign Affairs; and in the evening of the same day they attended a fête of the queen, where the plain Republicans found the royal family and nobility seated at play round a large table, with, as the contem-

poraneous account says, "A considerable heap of louis d'ors between each of the players, and from the number of these, which, from time to time, were shovelled by the losers to the winners, the gaming appeared to be high." Dr. Franklin was specially honored by being called by the queen, and stood beside her chair as the game went on. The month following the treaty the king dispatched as his minister plenipotentiary to America, M. Gerard, the Minister of State, who had negotiated the treaties with the American envoys. The king, in his letter of credence, addressed to his "Very dear, great friends and allies," the Congress, said: "He is better acquainted with our sentiments towards you and the more capable of testifying the same to you, as he was intrusted on our part to negotiate with your commissioners, and signed with them the treaties which cement our union."[1]

The coming of the first foreign minister plenipotentiary was an important event, and Congress appears to have been fully impressed with its gravity, for we find that the subject of the ceremonial to be observed in the reception of M. Gerard was regularly referred to a special committee composed of such eminent men as Richard Henry Lee, Samuel Adams, and Gouverneur Morris, who presented an elaborate report which was discussed five days by Congress. The matter was finally arranged with uncommon care, as is shown in the lengthy resolution adopted and formally entered upon the Journal, prescribing the order to be observed on all such occasions. Every step to be taken, from the

[1] 2 Dip. Cor. Rev. 521.

moment the envoy lands till he reaches the place where Congress is in session, is carefully indicated. As to further proceedings, I extract from the resolutions of Congress: "Two members of Congress shall then be deputed to wait upon him, and inform him when and where he shall receive audience of the Congress. At the time he is to receive his audience, the two members shall again wait upon him in a coach, belonging to the States, and the person first named of the two, shall return with the minister plenipotentiary or envoy in the coach, giving the minister the right hand, and placing himself on the left with the other member on the first seat. When the minister plenipotentiary or envoy is arrived at the door of the Congress hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. When the minister is introduced to his chair by the two members, he shall sit down. His secretary shall then deliver to the President the letter of his sovereign, which shall be read and translated by the secretary of Congress. Then the minister shall be announced, at which time the President, the House, and the minister shall rise together. The minister shall then bow to the President and the House and they to him. The minister and the President shall then bow to each other, and be seated, after which the House shall sit down. The minister shall deliver his speech standing. The President and the House shall sit while the minister is delivering his speech. The House shall rise and the President shall deliver the answer standing. The minister shall stand while the President delivers his answer. Having spoken, and being answered, the min-

ister and President shall bow to each other, at which time the House shall bow, and then the minister shall be conducted home in the manner in which he was brought to the House." [1]

In 1783 Congress modified the above so as to allow foreign representatives, having the grade of ambassadors, to sit covered in its presence, and the President rose not only when he was introduced, but also when he read his address. It was further prescribed that after the audience, the members of Congress should be first visited by the minister plenipotentiary.

M. Gerard was received after this elaborate ceremonial, Richard Henry Lee and Samuel Adams being deputed by Congress, and bringing him in a coach and six provided by Congress; and, in order that I may be true to history, I should add that Mr. Lee rode on the back seat on the left of the minister, and Mr. Adams on the front seat facing them. The audience was followed by a banquet given by Congress, at which were present several foreign gentlemen of distinction and gentlemen of public character. It is recorded that "The entertainment was conducted with a decorum suited to the occasion, and gave perfect satisfaction to the whole company." It will thus be seen that the fathers of the republic did not disdain careful attention to the conventional details of official life.

No other foreign minister was received by the United States until October, 1783, when Mr. Van Berckel, minister from the Netherlands, presented his credentials. The ceremony of his reception by Congress was somewhat simplified. As in the case of the French

[1] 2 Secret Journal of Congress, 94, 96.

minister, a dinner was ordered by Congress to be given him at the public expense.[1]

Throughout the war the French minister occupied a peculiar and intimate relation to the Continental Congress. His communications were addressed to the president of Congress, and after being reported upon by a committee, were considered by the whole Congress. On most important questions the minister was present when they were considered; he claimed the right to attend when foreign affairs were discussed; and his views were usually stated verbally. They were always received with great respect, and often had a controlling influence on the action of that body.

The triumvirate of American envoys had other difficulties in their negotiations and business than those occasioned by the vigilant British ambassador and the caution of the French government. Almost from the beginning there was a lack of harmony in their counsels, which grew into distrust and bitterness of feeling. Franklin's two colleagues were his compeers in rank, but immeasurably below him in talent and personal standing. Deane was a commonplace man, of mediocre abilities, and a not very exalted sense of patriotism. Lee was young, energetic, and ambitious, of influential family connection, and inspired by patriotic sentiments, but possessed of a very malevolent disposition. Franklin described him to Adams as "a man of an anxious, uneasy temper, which made it disagreeable to do business with him; that he seemed to be one of those men, of whom he had known many in his day, who went on through life quarreling with one person or another, till

[1] Ib. 409, 410, 426.

they commonly ended with the loss of their reason." Even before Franklin reached Paris, Lee had become offended at Deane because of Beaumarchais's more intimate relations with the latter. In letters to Congress, he charged Deane with dishonesty; and, as we have seen, made such representations respecting the fictitious firm of Hortalez & Co. as prevented Beaumarchais's accounts from being settled till long after his death. His charges against Deane led to the latter's recall, his open quarrel with Congress, his disgrace, and his ultimate abandonment of the cause of his country. Lee represented to his friends in Congress that Franklin had no capacity for business, having reached the age of senility, and he was actively plotting for the doctor's removal and his own appointment as sole minister in Paris. Mr. Jefferson, who succeeded Franklin as minister at Paris, narrates an anecdote respecting this quarrel. He says that Franklin received a very intemperate letter from Lee. He folded it up and put it in a pigeon-hole. A second, third, and so on to a fifth he received and disposed of in the same way. Finding no answer could be obtained by letter, Mr. Lee paid him a personal visit, and gave a loose to all the warmth of which he was susceptible. The doctor replied: "I can no more answer this conversation of yours than the several letters you have written me (taking them down from the pigeon-hole). Call on me when you are cool and good-humored and I will justify myself to you." Mr. Jefferson adds that they never saw each other afterwards.[1]

[1] 1 Dip. Cor. Rev. 538.

Lee was seconded in his unworthy work by Ralph Izard, who had been accredited as minister to Tuscany, but not being received, was staying in Paris. Franklin represents him as "a man of violent and ungoverned passions," and states that he and Lee "had a number of Americans about them, who were always exciting disputes, and propagating stories that made the service very disagreeable." John Adams, who, some weeks after the treaties had been signed, arrived in Paris to replace Deane, makes the following entry in his diary: "It is with much grief and concern that I have learned, from my first landing in France, the disputes between the Americans in this Kingdom; the animosities between Mr. Deane and Mr. Lee; between Dr. Franklin and Mr. Lee; between Mr. Izard and Dr. Franklin; between Dr. Bancroft and Mr. Lee; between Mr. Carmichael and all." He adds he had heard that Deane and Bancroft had made fortunes by "dabbling in the English funds, and in trade, and in fitting out privateers. . . . I am sorry for these things; but it is no part of my business to quarrel with anybody without cause."[1]

We can well understand how very distasteful such a state of affairs would be to one so little inclined to controversy and so much above deceit and intrigue as Franklin. The situation finally became so intolerable that he made it the subject of a communication to the president of Congress, which is so characteristic of the man that I give from it the following extract: —

"Speaking of Commissioners in the plural, puts me

[1] 3 J. Adams's Works, 138.

in mind of inquiring, if it can be the intention of Congress to keep three Commissioners at this Court. We have, indeed, four, with the gentleman intended for Tuscany, who continues here, and is very angry that he was not consulted in making the treaty, which he could have mended in several particulars and, perhaps, he is angry with some reason, if the instructions to him do, as he says they do, require us to consult him. We shall soon have a fifth, for the envoy to Vienna, not being received there, is, I hear, returning hither. The necessary expense of maintaining us all is, I assure you, enormously great. I wish the utility may equal it. I imagine every one of us spends nearly as much as Lord Stormont [English minister] did. It is true he left behind him the character of a niggard, and when the advertisement appeared for the sale of his household goods, all Paris laughed at an article of it, perhaps very innocently expressed, 'a great quantity of table linen, that has never been used.' 'That is very likely,' say they, 'for he never invited any one to dine.' But as to our number, whatever advantage there might be in the joint counsels for framing and adjusting the articles of the treaty, there can be none in having so many for managing the common business of a resident here. . . . And where every one must be consulted on every particular of common business, in answering every letter, etc., and one of them is offended if the smallest thing is done without his consent, the difficulty of being often and long enough together, the different opinions and the time consumed in debating them, the interruptions by new applicants

in the time of meeting, etc., occasions so much postponing and delay, that correspondence languishes and occasions are lost, and the business is always behind hand. I have mentioned the difficulty of being often and long enough together. This is considerable, where they cannot be all accommodated in the same house; but to find three people, whose tempers are so good, and who like one another's company and manner of living and conversing as to agree with themselves, though living in one house, and whose servants will not, by their indiscretion, quarrel with one another, and by artful misrepresentations draw their masters in to take their parts to the disturbance of necessary harmony, these are difficulties still greater and almost insurmountable. And in consideration of the whole, I sincerely wish the Congress would separate us."[1]

Notwithstanding the efforts of Lee's friends, Congress followed Franklin's advice to separate the envoys. Deane had already been called home, Lee was dropped from the diplomatic service, Adams returned to America, and Franklin was commissioned sole minister to France in 1778; in which position he remained for seven eventful years, until relieved by Thomas Jefferson in 1785.

Mr. Deane's later career was unhappy and disgraceful. On his return to America he sought to have his accounts adjusted by Congress, but Arthur Lee's charges of dishonesty had preceded him and to this was added local jealousy in his own State. He was conscious that he had rendered to the cause of independence important services in Paris, and he expected to be received with

[1] 2 Dip. Cor. Rev. 658.

honor. Instead he was met in Congress by suspicion, his accounts were attacked, and after long delays a just settlement was refused him. He was turned away from the doors of the body which should have manifested its gratitude, a disappointed and aggrieved man. He returned to Europe and eventually accepted service and pay from the British government, sealing his apostacy by a series of letters urging the Colonies to give up the struggle and return to British allegiance. In 1784, when Jay was passing through London on his return to America, Deane sought an interview with him which the former refused by letter, in which he told him that he (Deane) had possessed his esteem, that he had been attached to him, and he would have been willing to hear an explanation of his late conduct but for one circumstance. "I was told that you received visits from, and was on terms of familiarity with, General Arnold. Every American who gives his hand to that man, in my opinion, pollutes it."[1]

There is no evidence of the truth of Lee's charges; Franklin vindicated Deane's integrity, and he died in poverty. The government did tardy justice to his conduct and services in Paris, under an Act of Congress of August 11, 1842, by paying to his heirs the sum of $36,998, fifty-eight years after his death. From the days of Aristides, the ingratitude of republics has been a byword in the world. There was no intent on the part of Congress to do Deane an injustice, but it was misled by the malevolence of Lee, and its action brought about the disgrace of the earliest diplomatic representative of the country.

[1] 1 Dip. Cor. Rev. 570.

CHAPTER II.

THE TREATY OF PEACE AND INDEPENDENCE.

The treaties of commerce and alliance with France were followed by three events which had an important influence upon the fortunes of the Colonies, to wit: the declaration of war against England by Spain, the armed neutrality of the nations of northern Europe, and the treaty made by Holland with the United States.

Spain, in 1779, was still a formidable power, and its large possessions in the New World made it of the utmost importance to the Continental Congress to establish friendly relations with it. Early efforts had been made by Dr. Franklin, through the French court and by correspondence, to secure its common action with France, and to the treaty of 1778 a secret clause was appended, providing for the adhesion of Spain to the alliance. In 1779 John Jay, of New York, one of the most distinguished and able of the revolutionary leaders, was appointed minister at Madrid, and for two years he labored with assiduity, but fruitlessly, to secure a treaty of friendship and alliance. So anxious was Congress to effect an alliance with that country that it authorized Mr. Jay to surrender the right of navigation of the Mississippi, and make a renunciation of all claims to or designs upon its American territory, as its price. Fortunate was it for the future of our country that Mr.

Jay's mission was a failure, although conducted with marked ability and dignity on his part, because such an alliance as Spain could be induced to accept would have been fruitful of embarrassment and trouble for the United States. So Mr. Jay felt, as he said: "The cession of the navigation (of the Mississippi) will in my opinion render a future war with Spain unavoidable, and I shall look upon my subscribing to the one as fixing the certainty of the other." Spain's hostility to England soon led her into war with that country, and the United States thereby reaped most of the benefits of an alliance without its necessary burdens.

It was plainly contrary to the interest of Spain to promote the cause of independence, and the Spanish statesmen so well understood this that all the efforts of the court of France to secure adhesion to the treaty of 1778 were of no avail. The Count de Aranda, the Spanish ambassador at Paris, fully comprehended the situation. In communicating the news of the treaty of peace and independence, he wrote his government words which to-day seem almost clothed with the spirit of prophecy: "The independence of the English Colonies has been there recognized. It is for me a subject of grief and fear. France has but few possessions in America; but she was bound to consider that Spain, her most intimate ally, had many, and that she now stands exposed to terrible reverses. From the beginning, France has acted against her true interests in encouraging and supporting this independence, and so I have often declared to the ministers of this nation."

The Armed Neutrality was an agreement by means of

a convention entered into in 1780 between Russia, Denmark, Sweden, and Holland, for the ostensible purpose of protecting their neutral commerce from undue interference by the belligerents in the war then being carried on by England against her Colonies, France and Spain. It defined what were contraband goods, declared that free ships made free goods, and stipulated for the joint protection of their commerce by armed convoys, etc. While outwardly a proclamation of neutrality coupled with armed enforcement against all the belligerents, it was intended and accepted as an act unfriendly to Great Britain. It was an indication that she was practically without an ally or friend on the continent of Europe, and that she must fight her battles alone and unaided. Evidently her Colonies had fallen upon a favorable time for their revolt.

Next to the French alliance, the most important event in the foreign relations of the Colonies was the negotiation of the treaty with Holland. It was conducted by John Adams, and he is entitled to great credit for its successful termination. Henry Laurens, of South Carolina, had been sent by Congress, in 1779, to negotiate a commercial treaty and a loan from Holland, but *en route* he was captured on the ocean, brought to England, and confined in the Tower of London. John Adams, who had been commissioned to negotiate a treaty of peace with Great Britain and was then in Paris awaiting a favorable time to discharge his mission, was substituted for Laurens. While waiting in Paris, Adams entered into correspondence with Vergennes, the Minister of Foreign Affairs, in which he criticised rather severely the

conduct of the French government. His language so offended Vergennes that he declined to have any further intercourse with him, and forwarded to Franklin copies of the correspondence and asked him to communicate it to Congress.

Adams and Franklin were men of wholly different temperaments, tastes, and habits, and their residence together in Paris had engendered a coolness which only the peaceful disposition of Franklin prevented from becoming an open quarrel. Adams had quite freely criticised Franklin's methods of life, his careless business habits, and even his morals, and now was convicted by Vergennes of interfering in Franklin's official duties. Under the circumstances, our knowledge of human nature will lead us to suspect that Franklin took a quiet satisfaction in complying with the request of Vergennes. The letter to the president of Congress is so naïve that a portion of it is worthy to be extracted. It is dated August 9, 1780, and is addressed "To His Excellency Samuel Huntington, President of Congress."

"Mr. Adams has given offence to the court here by some sentiments and expressions, contained in several of his letters written to the Count de Vergennes. I mention this with reluctance, though, perhaps, it would have been my duty to acquaint you with such a circumstance, even if it were not required of me by the minister himself. He has sent me copies of the correspondence, desiring I would communicate them to Congress, and I send them herewith. Mr. Adams did not show me his letters before he sent them. I have, in a former letter to Mr. Lovell, mentioned some of the inconveniences

that attend the having more than one minister at the same court, one of which inconveniences is, that they do not always hold the same language, and that the impressions, made by one, and intended for the service of his constituents, may be effaced by the discourse of the other. It is true, that Mr. Adams's proper business is elsewhere, but the time not being come for that business, and having nothing else here wherewith to employ himself, he seems to have endeavoured supplying, what he may suppose my negotiations defective in. He thinks, as he tells me himself, that America has been too free in expressions of gratitude to France, for that she is more obliged to us than we are to her, and that we should show spirit in our applications. I apprehend that he mistakes his ground, and that this court is to be treated with decency and delicacy. The king, a young and virtuous prince, has, I am persuaded, a pleasure in reflecting on the generous benevolence of the action in assisting an oppressed people, and proposes it as a part of the glory of his reign. I think it right to increase this pleasure by our thankful acknowledgments, and that such an expression of gratitude is not only our duty, but our interest. A different conduct seems to me what is not only improper and unbecoming, but what may be hurtful to us. Mr. Adams, on the other hand, who at the same time means our welfare and interest as much as I, or any man can do, seems to think a little apparent stoutness and greater air of independence and boldness in our demands will procure us more ample assistance. It is for the Congress to judge and regulate their affairs accordingly.

"M. de Vergennes, who appears much offended, told me yesterday that he would enter into no further discussions with Mr. Adams, nor answer any more of his letters. He is gone to Holland, to try, as he told me, whether something might not be done to render us a little less dependent on France. He says, the ideas of the court, and those of the people of America, are so totally different, as that it is impossible for any minister to please both. He ought to know America better than I do, having been there lately; and he may choose to do what he thinks will best please the people of America: but when I consider the expressions of Congress in many of their public acts, and particularly in their letter to the Chevalier de la Luzerne, of the 24th of May last, I cannot but imagine that he mistakes the sentiments of a few for a general opinion. It is my intention, while I stay here, to procure what advantages I can for our country by endeavoring to please this court."[1]

It is understood that the correspondence occasioned a violent discussion in Congress, and it is known the president of that body sent Mr. Adams a mild reproof; but it never withdrew its confidence from him, and he continued to hold the most important diplomatic positions. He defended his diplomatic conduct to the president of Congress,[2] contrasting his course with "veterans in diplomatics" by referring to himself as "the militia" which "sometimes gain victories over regular troops even by departing from the rules. . . . I have long since learned that a man may give offense to a court to which he is sent and yet succeed." His

[1] 4 Dip. Cor. Rev. 22.

[2] 5 Ib. 196, 197.

distorted view of his duty in this capacity is shown in this declaration, made sometime after the treaty of peace had been signed: "No man will ever be pleasing at a court in general who is not depraved in his morals or warped from your (his) country's interests." No wonder Vergennes should have been moved in his letter to Franklin to ask him to have Congress consider whether "he is endowed with that conciliating spirit which is necessary for the important and delicate business with which he is intrusted" — to wit, negotiating peace with Great Britain.[1] Franklin suggested to Adams, in view of the great offense his letters had given Vergennes, that if the offensive remarks were the effects of inadvertence he might write something effacing the impressions made by them;[2] but Adams declined to act on the suggestion. One may well conjecture what might have been the fate of the Revolutionary struggle if Adams had been our sole representative in Paris. It is due to him to say that when he became President he acted on different principles and his appointments to diplomatic posts were made with wisdom and care.

His usefulness was for the time being ended in Paris, and it was doubtless a relief to him, as it must have been to Vergennes and Franklin, soon to take his departure for Amsterdam. He found his task in Holland a difficult and tedious one, but he entered upon it with the zeal and devotedness which so marked his character; and after more than two years of effort his labors were crowned by a treaty of commerce, which was especially valuable as a recognition of the independence of the

[1] 4 Ib. 18. [2] 4 Ib. 87.

Colonies, and made more easy the loans which were greatly needed. There were other reasons than the immediate political necessities which made the most friendly relations with the Dutch very welcome to the Colonies. Out of that country had sprung the most enlightened and liberal principles of international law, which found in America the most efficient champion. The Puritan forefathers brought with them to New England, not only a grateful memory of their refuge and hospitality, but of the lessons of liberty and government taught them; and various of the Colonies had received a most valuable contingent of its population from the Netherlands. For all these reasons the recognition of our independence by Holland, though tardy, was most welcome.

Mr. Adams was much elated with his success in Holland, and in his dispatches he did not conceal his satisfaction. He reports how one foreign minister told him: "Sir, you have struck the greatest blow of all Europe. It is the greatest blow that has been struck in the American cause, and the most decisive;" and how another said that "Mr. Adams was the Washington of negotiation. A few of these compliments," he adds, "would kill Franklin if they should come to his ears."[1] By such glimpses of our early history we learn that the great founders of the Republic were not demigods, but men of like passions with ourselves.

The quotations just cited appeared in the diary which was transmitted by Mr. Adams to Congress with one of his dispatches, and according to custom they were being

[1] 3 J. Adams's Works, 309.

read to that body, when his friends interposed and had the diary omitted. A delegate from Massachusetts, reporting to Adams the occurrence, wrote: "It was too minute for the delicacy of several of the gentlemen. They appeared very much disposed to make it appear ridiculous."[1] Hamilton, then a delegate, in giving an account of the event, said the reading of the diary "extremely embarrassed his friends, especially the delegates of Massachusetts, who more than once interrupted it, and at last succeeded in putting a stop to it, on the suggestion that it bore the marks of a private and confidential paper, . . . and never could have been designed as a public document for the inspection of Congress. The good-humor of that body yielded to the suggestion."[2] The editor of the "Works of John Adams" says the diary was sent to Congress by mistake, as it was Mr. Adams's intention to mail it to a Massachusetts delegate for unofficial information.[3]

Between the date of the Declaration of Independence and the opening of negotiations for peace with Great Britain, various American diplomatic agents had been sent by Congress to solicit recognition from European powers. Reference has been made[4] to the opposite views held in Congress, at the beginning of the struggle, as to the conduct of our foreign relations. Franklin had strongly advised against sending ministers to any European court until some intimation had been obtained that they would be received, but the contrary course had been pursued to the humiliation and injury, in some

[1] 1 Dip. Cor. Rev. 510.
[2] 6 Hamilton's Works (Lodge), 396.
[3] 3 J. Adams's Works, 349.
[4] Infra, p. 9.

cases, of the cause of independence. Arthur Lee had made an ineffectual attempt to go to Madrid, as he had been turned back by the Spanish government; and he received little less civil treatment at Berlin. William Lee had been kept away from both Vienna and Berlin, to which places he was accredited, never having got nearer to either capital than Frankfort. Mr. Izard, who was appointed to Tuscany, was refused permission to go to Italy, and remained in Paris. Mr. Jay's unsuccessful mission to Spain has been already noticed. Mr. Dana spent two years in St. Petersburg, ignored by the court, living in obscurity and experiencing nothing but humiliation and failure. In Paris alone did the American representatives find a welcome, and there they congregated, waiting a more favorable turn of events. These idle ministers and their secretaries were a constant drain upon the scanty treasury, but a still more serious injury to the cause in their constant interference with the duties of the accredited minister, Dr. Franklin.

The two Lees and Izard, especially chagrined at their own failure, seemed envious of Franklin and lost no opportunity to manifest their enmity to him, who eclipsed all of them in his fame and acceptability in political and social circles. A French writer of the day, in his description of the court, has this to say: "Franklin appeared at court in the dress of an American cultivator. His straight, unpowdered hair, his round hat, his brown coat, formed a contrast with the laced and embroidered coats, and the powdered and perfumed heads of the courtiers of Versailles. This novelty

turned the enthusiastic heads of the French women. Elegant entertainments were given to Dr. Franklin, who, to the reputation of a philosopher, added the patriotic virtues which had invested him with the noble character of an Apostle of Liberty. I was present at one of these entertainments, when the most beautiful woman of three hundred was selected to place a crown of laurels upon the white head of the American philosopher, and two kisses upon his cheeks."

But Franklin had more serious work upon his hands than this. His official duties were quite varied in their character, in marked contrast with those of the American ambassador of the present day. Besides winning over the French government to his cause, it was his task to negotiate loans, to dispose of the cargoes of American produce which succeeded in escaping the British cruisers and reaching French ports; to provide for the many bills which Congress was constantly drawing upon him, to outfit the American naval vessels and privateers visiting the French ports, to listen to the applications of European patriots and adventurers anxious to enlist in the army of the Colonies, and in various other ways to advance the cause of independence. John Paul Jones, the daring mariner, who sailed unharmed about the British Islands and spread consternation in their ports, found in Franklin his chief support and counsel.[1]

[1] The following is an extract from the letter of the Congressional Committee of Foreign Affairs to the American Commissioners in Paris (2 Dip. Cor. Rev. 317): —

PHILADELPHIA, May 9, 1777.

GENTLEMEN, — This letter is intended to be delivered to you by John

Mr. Adams, who was for some time a witness in Paris of Franklin's multifarious duties, thus described them in a critical spirit to a member of Congress. "He is too old, too infirm, too indolent and dissipated, to be sufficient for the discharge of all the important duties of ambassador, board of war, board of treasury, commissary of prisoners, etc., as he is at present, besides an immense correspondence and acquaintance, each of which would be enough for the whole time of the most active man in the vigor of youth." [1]

The great and ultimate object of all these labors of Franklin and of American diplomacy in Europe, was to secure peace with England upon the basis of independence. After the surrender of Burgoyne, through the years 1778 and 1779, various advances were made to Franklin, indirectly by the English ministry, through correspondence of his old friends in London and by secret visits to him at Paris. But as all these overtures had for their object to secure the separation of America

Paul Jones, an active and brave commander of our navy, who has already performed signal services in vessels of little force; and, in reward for his zeal, we have directed him to go on board the Amphitrite, a French ship of twenty guns, that brought in a cargo of stores from Messrs. Hortalez & Co., and with her to repair to France. He takes with him his commission, some officers and men; so that we hope he will, under that sanction, make some good prizes with the Amphitrite; but our design of sending him is (with the approbation of Congress) that they may purchase one of those fine frigates that Mr. Deane writes us you can get, and invest him with the command thereof as soon as possible. We hope you may not delay this business one moment, but purchase, in such port or place in Europe as it can be done with most convenience and dispatch, a fine, fast-sailing frigate or large ship. . . . You must make it a point not to disappoint Captain Jones's wishes and our expectations on this occasion."

[1] 3 Dip. Cor. Rev. 333.

from the French alliance and a reconciliation of the Colonies with the mother country, they came to naught, as neither condition could be accepted. Return to British allegiance was not only the firm decision of the king and cabinet, but the cherished hope of the most devoted friends of America in England. Even Lord Chatham, the most conspicuous of its friends, in his last speech ever delivered in Parliament used this language: "My Lords, I rejoice that the grave has not closed upon me, that I am still alive to lift up my voice against the dismemberment of this ancient and most noble monarchy. . . . Where is the man that will dare advise such a measure? . . . Shall this kingdom, that has survived whole and entire the Danish depredations, the Scottish inroads, and the Norman conquests, that has stood the threatened invasion of the Spanish Armada, now fall prostrate before the House of Bourbon? Surely, my Lords, this nation is no longer what it was. Shall such a people, that seventeen years ago was the terror of the world, now stoop so low as to tell its ancient, inveterate enemy — take all we have, only give us peace? It is impossible."[1]

But the dying eloquence of the great Chatham could not obscure the fact that England was brought to the extreme necessity of peace, with three of the then great powers of Europe, and her most populous colonies arrayed against her in arms, and with all continental Europe unfriendly. The courts of Russia and Austria interposed their good offices to bring about a general peace, but the British ministry did not give up the

[1] Almon's Parliamentary Register, ix. 369.

hope of detaching the United States from the general negotiations, and taking advantage of a letter which Franklin had written to Lord Shelburne, who was in charge of the Ministry of the Colonies on the overthrow of the North cabinet, Shelburne opened unofficial negotiations through a Mr. Oswald, who came to Paris early in 1782.

I have already noticed that John Adams had been designated and commissioned to negotiate a treaty of peace with Great Britain as early as 1778, and was in Paris biding a favorable opportunity when he incurred the wrath of Count Vergennes. Following this event, Luzerne, the French minister to the Colonies, criticised, to the Continental Congress, the appointment of Adams, representing that he was too obstinate for a diplomat, and that he ought to be instructed to abide the advice of France, who could procure better terms than it were possible for such a headstrong commissioner to secure. The French minister's communication was referred by Congress to a committee, who brought in a report recommending the addition of four members to the Peace Commission, and, by a vote of Congress, Benjamin Franklin, John Jay, Henry Laurens, and Thomas Jefferson were appointed in June, 1781. Bancroft, in noting the action of Congress, says: "It had been the proudest moment of his (Adams's) life when he received from Congress the commission of sole plenipotentiary for negotiating peace and commerce between the United States and Great Britain. The year in which he was deprived of it he has himself described 'as the most anxious and mortifying year of my whole life.' He

ascribed the change in part to the French government, in part to Franklin."

The instructions given by Congress to the commissioners as to the treaty to be negotiated contained only two positive conditions: first, that the independence of the Colonies should be recognized; and, second, that the existing treaties with France should be preserved. The details of the treaty, as to boundaries, fisheries, and all other matters, were left to the discretion of the commissioners, having in view to secure the interests of the United States as circumstances would allow; but they were directed "to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the king of France; to undertake nothing in the negotiations for peace or truce without their knowledge or concurrence; and ultimately to govern yourselves by their advice and opinion."[1]

The question of the boundaries, the fisheries, the navigation of the Mississippi, and other matters had been the subject of lengthy discussions in Congress, and Adams had been instructed regarding them, but all these matters were now left to the discretion of the new commission.

Jefferson, named as one of the commissioners, was not able to leave his post as governor of Virginia, Laurens was still a prisoner in London, Adams was actively prosecuting his negotiations in Holland, and Jay at Madrid, so that the early steps of the negotiations were conducted by Franklin alone.

[1] 4 Dip. Cor. Rev. 505.

It is well, at the outset, to note the condition of the nations concerned in the negotiations. The Colonies had entered into an alliance with France, the terms of which required that peace should only be made with the independence of the Colonies, but no peace should be agreed upon except by joint agreement of the allies. Spain was at war with Great Britain, but hostile to the designs of the Colonies. France and Spain, joined by close family ties of the House of Bourbon, had common interests not in harmony with those of the Colonies. Holland was at war with England, loaning money to the Colonies, but suspicious of France. In England the North ministry, which had conducted the war against the Colonies, had recently been overthrown and was succeeded by a composite ministry, whose members were divided as to the policy to be pursued in the negotiations. The House of Commons had declared in favor of peace, even at the price of independence, but King George was still obstinately refusing such conditions.

Between the appointment of the commissioners and the conclusion of the negotiations, three important military events occurred which had an important influence on the final result. The first, the surrender of Cornwallis at Yorktown, in October, 1781, practically decided the independence of the Colonies. The second, the victory of Rodney in the West Indies over the French fleet, in May, 1782, and, third, the raising of the siege of Gibraltar by the English, in September, 1782, made less exacting the demands of France and Spain, and enabled the American commissioners more

easily to counteract their plans for dwarfing the young nation.

Mr. Richard Oswald was sent to Paris in April, 1782, by Shelburne, Minister of the Colonies, on a preliminary and confidential mission to Franklin. As he was the person who ultimately signed the provisional treaty of peace, it will be of interest to know more of the man. He was possessed of no diplomatic experience, and was not even in public life. At one time he had held a subordinate position in the Ministry of Commerce (Board of Trade), but was then a retired Scotch merchant, and by marriage and purchase had acquired large interests in America. Having spent several years in business there, he was frequently consulted during the war by the British ministry. His sympathy for the Colonies may be inferred from the fact that he furnished bail to the amount of $250,000 for Henry Laurens, one of the Peace Commissioners, then confined in the Tower of London. At the time of his appointment he was seventy-seven years old, just Franklin's age. He was a disciple of Adam Smith, he had won the esteem of Shelburne, and had by correspondence continued a warm friendship with Franklin formed during the latter's long residence in England. Shelburne, responding to Franklin's letter, to which reference has already been made, writes: "Your letter . . . has made me send to you Mr. Oswald. I have had a longer acquaintance with him, than I even had the pleasure to have with you. I believe him an honest man, and, after consulting some of our common friends, I have thought him the fittest for the purpose. He is a paci-

fical man and conversant in these negotiations, which are most interesting to mankind. This has made me prefer him to any of our speculative friends, or to any person of higher rank. He is fully apprised of my mind, and you may give full credit to everything he assures you of. At the same time, if any other channel occurs to you, I am ready to embrace it. I wish to retain the same simplicity and good faith which subsisted between us in transactions of less importance."[1]

It is due to the British minister and negotiator to say that throughout the negotiations the spirit expressed in this letter was maintained, and their conduct was in marked contrast to that of the Colonies' allies, France and Spain. There existed, however, a divergence of views in the British cabinet, and while Oswald was designated by Shelburne to confer with Franklin, Fox, the Minister of Foreign Affairs, sent Grenville over to Paris to watch the proceedings on his behalf. As the British government had no diplomatic representative in Paris, Grenville resorted to the good offices of Franklin to secure him an audience with the Minister for Foreign Affairs. Accompanying him to Versailles, says Bancroft, "The dismissed Postmaster-General for America, at the request of the British Secretary of State, introduced the son of the author of the American Stamp Act as the British plenipotentiary to the Minister for Foreign Affairs of the Bourbon king. Statesmen at Paris and Vienna were amused on hearing that the envoy of the 'rebel' Colonies was become 'the introducer' of the representative of Great Britain at the court of Versailles."[2]

[1] 5 Dip. Cor. Rev. 536. [2] 10 Bancroft's U. S. (ed. 1874) p. 542.

Oswald carried back with him to London the views of Franklin respecting terms of peace, and a memorandum suggesting the cession of Canada to the United States and compensation to the loyalists out of the sale of its public lands.[1] This proposition as to Canada is cited as an evidence of the great foresight of Franklin, and it has been said that if he had been properly supported by his colleagues, Adams and Jay, Canada would have been then included in American territory; but I have been unable to find any substantial basis for such a statement in the history of the negotiations. It appears that Oswald not only approved of the proposition, but laid it before Shelburne; but there is no evidence that it was ever considered by the British cabinet, and nothing further was heard of it during the negotiations.

While these proceedings were in progress, Jay arrived in Paris in June, 1782. He appears to have been very favorably impressed at first with his residence in Paris. He writes: "What I have seen of France pleases me exceedingly. . . . No people understand doing civil things as well as the French;"[2] but intercourse with the officials brought about a revulsion of feeling. Four months later Adams arrived in Paris to join in the negotiations, and he records in his diary: "Mr. Jay likes Frenchmen as little as Mr. Lee and Mr. Izard did (who were openly hostile). He says they are not a moral people; they know not what it is; he don't like any Frenchman. . . . Our allies don't play fair, he told me."[3] Of Franklin, Mr. Jay, on his arrival, wrote:

[1] 5 Dip. Cor. Rev. 541.
[2] Ib. 523.
[3] 3 J. Adams's Works, 303.

"His mind appears more vigorous than that of any man of his age I have known. He certainly is a valuable minister and an agreeable companion."[1] Franklin was then seventy-six and Jay thirty-seven years of age.

Oswald had returned from London, bringing with him a commission to treat with any commissioners named by the Colonies. Jay objected to the terms of the commission, and insisted that it should specially mention the United States, and make it clear that he was not to treat with them as Colonies. Franklin thought the commission was sufficient to justify negotiations, and he was strongly supported in this view by Vergennes. But Jay was unmoved. Referring to the arguments advanced by Vergennes, he wrote: "Neither of these considerations had weight with me; for as to the first, I could not conceive of any event which would render it proper, and therefore possible, for America to treat in any other character than as an independent nation; and as to the second, I could not believe Congress intended we should follow any advice which might be repugnant to their dignity and interest."[2] Jay had his way, and Oswald wrote to Shelburne: "The American commissioners will not move a step until independence is acknowledged."

But new complications arose. First, Rayneval, private secretary to Vergennes, who had been designated to confer with Jay as to the terms of peace, revealed the fact that France favored giving Spain both sides of the Mississippi up to 31°; the territory from thence east of the Mississippi and up to the Ohio to be an Indian

[1] 5 Dip. Cor. Rev. 517.

[2] 6 Ib. 20.



MAP OF NORTH AMERICA,

Showing the Boundaries of the UNITED STATES, CANADA, and the SPANISH POSSESSIONS, according to the proposals of the Court of France in 1782.

country, half under Spanish and half under an American protectorate; and all north and west of the Ohio to be retained by Great Britain; thus confining the Colonies to the strip between the Atlantic and the Alleghanies. Second, an intercepted letter of Marbois, secretary of the French legation in Philadelphia, was put by the British into Jay's hands, showing surprise at and disapproval of the claims of the Colonies as to the territory and the fisheries, and that France would not support them. Third, the sudden departure for London of Rayneval, under an assumed name, to influence (as Jay supposed) the British cabinet on these points. Jay, being advised of Rayneval's departure, procured the dispatch of Vaughan, private secretary to Lord Shelburne, to London, to counteract his representations to the British cabinet. This action was taken without consultation with Franklin. It was a bold step. Only Jay's success in the negotiations saved him from disgrace.

Jay, in writing to Livingston, Secretary of Foreign Affairs of Congress, said:[1] "It would have relieved me from much anxiety and uneasiness to have concerted all these steps with Dr. Franklin; but in conversing with him about M. Rayneval's journey, he did not concur with me in sentiment respecting the object of it, but appeared to me to have great confidence in this court and to be much embarrassed and constrained by our instructions. . . . Facts and future events must determine which of us is mistaken. Let us be honest and grateful to France, but let us think for ourselves."

[1] Ib. 32.

The impressions of Mr. Jay on the last two points, it is now known, were not entirely well founded. The letter of Marbois which was captured by the British was in cipher. The original was not shown to Jay, but only a copy deciphered by the British. In transmitting this copy to Congress Mr. Jay wrote: "The original in French I have not seen. . . . I am not at liberty to mention the manner in which this paper came to my hands."[1] It is well known that the British were in the habit both of making false translations or decipherings and of forging documents. Marbois denied the authenticity of the letter, and Vergennes protested that it did not correctly represent the views of the king. The archives of the French and British governments show that Rayneval's visit to London had relation to the negotiations of Fitzherbert, the British ambassador, with Vergennes as to the terms of peace between England, France, and Spain. Years after Mr. Vaughan wrote: "Mr. Jay gave me two businesses, one to get a new commission for Mr. Oswald, which I obtained in an instant, and the other to counteract Mr. de R., which I found utterly needless." When the conduct of the commissioners in these negotiations was being discussed in Congress, Hamilton, the personal and political friend of Jay, said of him, "that although he was a man of profound sagacity and pure intentions, yet he was of a suspicious temper."

The result of the hasty visit of Rayneval and Vaughan to London was a new commission to Oswald in terms required by Jay, and instructions to hasten

[1] 5 Ib. 740. For a copy of the letter, see Ib. 238.

independent negotiations with the American commissioners. We have here the strange spectacle of the Colonies joining with their enemy, the mother country, to circumvent the scheme of their own allies. That which was most influential in bringing about this curious combination was the subject of the boundaries. France was favoring the possession by Spain of the Ohio and Mississippi valleys, and Vergennes expected that the Colonies would be confined to the Atlantic seaboard. Shelburne, on the other hand, preferred to have the Colonies as neighbors of Canada in the lake region rather than the Spaniard. To meet the wishes of the American negotiators by carrying the boundary to the Mississippi was in harmony with the policy which he recommended to the British negotiator, to so act as "to regain the affections of America."[1] When he gave authority to Oswald to yield to the demands of our commissioners as to the vast domain west of the Alleghany Mountains, he could well say to Oswald: "We have put the greatest confidence, I believe, ever placed in man in the American commissioners. It is now to be seen how far they or America are to be depended upon. . . . I hope the public will be the gainer, else our heads must answer for it, and deservedly."

In the midst of these suspicions and differences between Jay and Franklin, Adams arrived fresh from his successful negotiation with Holland. Learning of the situation, he declared himself fully in accord with Jay. Adams had an interview with Franklin, in which he indorsed all Jay's acts and views, and records: "The

[1] 3 Life of Shelburne, 285.

doctor heard me patiently, but said nothing." In the next conference with Oswald, Franklin turned to Mr. Jay and said: "I am of your opinion, and will go on with these gentlemen in the business without consulting this court."[1] The following is an anecdote of the period. Dr. Franklin, one day sitting, during the discussion of the question of instructions, in Mr. Jay's room, said: "Will you break your instructions?" "Yes," replied Mr. Jay, who was smoking a pipe, "as I break this pipe," and he threw the fragments into the fire. Adams, after the negotiations were concluded, wrote: "He (Franklin) has gone on with us in entire harmony and unanimity throughout, and has been able and useful, both by his sagacity and his reputation, in the whole negotiation."[2] It is greatly to Franklin's credit that he did not allow a matter which he regarded as of secondary importance to interfere with the cordiality of his coöperation with his colleagues.

While these negotiations were going on with Oswald, the British ambassador, Fitzherbert, was conducting negotiations with Vergennes and the Spanish ambassador, and between the two sets of negotiators there seems to have been no consultation or concert of action. Of the Anglo-French negotiations, Adams writes, they "are kept secret not only from us, but from the Dutch ministers, and we hear nothing about Spain."[3]

In the negotiations with Oswald, on the American side, three points were of supreme importance, (1) the boundary to the Mississippi, (2) the free navigation of the Mississippi, and (3) the right to the fisheries off

[1] 3 J. Adams's Works, 336. [2] Ib. [3] 5 Dip. Cor. Rev. 857.

the northeast Atlantic coast. On the side of the British two points were held to be essential, (1) American independence must be complete and free from France, and (2) British debts must be secured and the loyalists restored to their rights.

On the northeast boundary the British at first demanded the whole of Maine, then to the Penobscot River; but the St. Croix River was finally decided upon. As to the northern boundary, two lines were proposed — the one through the Great Lakes to the source of the Mississippi; and the other, an alternate line offered by the Americans along the 45° of latitude. The former was ultimately accepted.

The Mississippi, the source of which was then supposed to be in British territory, it was agreed should be forever open to both countries. This provision subsequently became abrogated by the acquisition of Louisiana from France.

The fishery discussion was long and difficult, but resulted successfully for the United States, as the American fishermen were admitted on equal terms to Canadian waters. The debts due British subjects were to be paid, and Congress was to recommend the States to restore confiscated estates of loyalists, but it was given to be understood that the recommendation could not be carried out.

The treaty was signed on November 30, 1782, Henry Laurens, who arrived from London only two days before, joining with Adams, Franklin, and Jay in its execution. It is said that on this occasion Franklin, for the second time in France, donned the "spotted velvet

Manchester suit" worn at the session of the British privy council, but there is some question about this. The treaty was merely preliminary, and it was provided that the final treaty, which was to embrace its stipulations, should not be concluded until a treaty between Great Britain and France was ready to be signed.

Strachey, secretary to the Minister of the Colonies, who had been sent over to assist Oswald, after the negotiations were practically concluded, wrote: "Are we to be hanged or applauded? . . . If this is not as good a peace as was expected, I am confident it is the best that could be made."[1]

On signing the treaty, Adams wrote: "Thus far has proceeded this great affair. The unraveling of the plot has been to me the most affecting and astonishing part of the whole piece."[2]

It has been well said that it would be difficult to find a parallel in modern diplomacy to the complications and perplexities by which at the outset the American commissioners were surrounded. While France was ready to carry out the terms of the alliance, and make no treaty that did not secure the independence of the Colonies, she was, on the other hand, pledged by a secret treaty with Spain not to make peace till Gibraltar was restored, and she sought to restrict the boundaries of the Colonies. From the time that Jay reached the conclusion that it was the plan of France and Spain to oppose the claims of the Colonies both as to boundaries, the fisheries, and compensation to the loyalists,

[1] 3 Life of Shelburne, 303. [2] 3 J. Adams's Works, 336.

the American commissioners had conducted their negotiations with the British commissioners without consultation with Vergennes, and he was not informed of the signing of the preliminary treaty until after it had taken place. This was not only in direct contravention of their instructions, but of the spirit of the treaty of alliance of 1778.

The defense of the commissioners is that it was the only course left open to them to save the vital interests of their country. It is apparent that such was the conviction of Adams and Jay. Vergennes, on being informed of the signing of the preliminary treaty, looked to Franklin as the only friend of France on the commission, and reproachfully addressed him a communication: "I am at a loss to explain your conduct and that of your colleagues on this occasion. You have concluded your preliminary articles without any communication between us, although the instructions from Congress prescribe that nothing shall be done without the participation of the king. . . . You are wise and discreet, sir; you perfectly understand what is due to propriety; you have all your life performed your duties. I pray you to consider how you propose to fulfill those which are due to the king."[1]

Franklin's reply was: "Nothing has been agreed, in the preliminaries, contrary to the interests of France; and no peace is to take place between us and England till you have concluded yours. Your observation is, however, apparently just — that in not consulting you before they were signed we have been guilty of neglect-

[1] 6 Dip. Cor. Rev. 140.

ing a point of *bienséance*. But as this was not from want of respect for the king, whom we all love and honor, we hope it will be excused, and that the great work, which has hitherto been so happily conducted, which is so nearly brought to perfection, and is so glorious to his reign, will not be ruined by a single indiscretion of ours." [1]

Vergennes, apparently conscious of the design of France to thwart the aspirations of the Colonies, accepted Franklin's excuse and loaned him for the Colonies six million livres; but meanwhile he had written the French minister in Philadelphia that Congress should be informed of the conduct of the commissioners, but not in a tone of complaint. "I blame no one, not even Dr. Franklin. He has yielded too easily to the bias of his colleagues, who do not pretend to recognize the rules of courtesy in regard to us. . . . If we may judge of the future from what has passed here under our eyes, we shall be poorly paid for all that we have done for the United States, and for securing for them a national existence." [2] This letter, although temperate in language, manifests the deepest feeling, and it created a profound impression on Congress.

Luzerne, the French minister, made known to Secretary Livingston the views of his government, and Livingston wrote a letter to the commissioners approving the terms of the treaty, but strongly disapproving their conduct in concealing its terms from the French government till after its signature, and in entering on the secret article.[3] Luzerne's communication was also

[1] 6 Dip. Cor. Rev. 144. [2] Ib. 152. [3] Ib. 338.

transmitted to Congress, where the subject was debated with much warmth during nine days. There was a unanimous sentiment of approval and congratulation on the terms of the treaty in general, but the feeling of the majority of Congress was that the commissioners were not warranted in departing from their instructions, and in signing without first making known the terms of the treaty to the French government; besides there was a general condemnation of the action in withholding a knowledge of the secret article, which was construed into manifestation of a preference for England as a neighbor in Florida. After much debate the subject was submitted to a special committee, who brought in a report thanking the commissioners for their zeal and services, but mildly reproving them for their conduct towards France. This report was discussed for some days, but no action appears to have been taken upon it.[1] The commissioners had too well served their country in a critical situation and the terms of peace were too satisfactory for Congress even mildly to condemn them. Madison and Hamilton, who took part in the debate, both condemned the instructions of Congress as improper, but they likewise condemned the commissioners for withholding the terms of the treaty from Count de Vergennes before its signature; and the same view as to their conduct was taken by Washington, Jefferson, and Morris.

The effect of the treaty in England was the overthrow of the ministry; but the new ministry had to sign the final treaty embodying its exact terms. The

[1] For Proceedings of Congress, see 1 Madison Papers, 380-412.

honorable conduct of the British negotiators and government stands out in contrast with that of France. But it may be said in extenuation of the conduct of the latter that the policy of the two governments lay in opposite directions, and they were both serving what they regarded as their own interests.

The news of the treaty and its terms created the greatest satisfaction in the United States. Boudinot, President of Congress, writing to the commissioners, said: "It has diffused the sincerest joy throughout these States, and the terms of which must necessarily hand down the names of its American negotiators to posterity with the highest possible honor." Robert Morris wrote Adams, stating the approval and gratification of the country, to which Adams, seemingly indifferent to the praise of men, replied: "I thank you, sir, most affectionately for your kind congratulations on the peace. When I consider the number of nations concerned, the complication of interests, — extending all over the globe, — the character of the actors, the difficulties which attended every step of the progress, I feel too strong a gratitude to heaven for having been conducted safely through the storm, to be very solicitous whether we have the approbation of mortals or not." Luzerne, the French minister at Philadelphia, reported that the boundaries that had been secured surpassed all expectations in the United States; that they had caused great surprise and satisfaction; and that the New England fishermen were no less grateful.

The effect in France was highly complimentary to the skill of the American commissioners. Vergennes,

after being informed of the terms by Franklin, wrote to Rayneval in London that the English had rather bought a peace than made one; that their concessions as regards the boundaries, the fisheries, and the loyalists exceeded anything that he had believed possible. Rayneval replied that the treaty seemed to him a dream. Vergennes wrote Luzerne: "The boundaries must have caused astonishment in America. No one can have flattered himself that the English ministers would go beyond the headwaters of the rivers falling into the Atlantic." De Aranda, the Spanish ambassador, wrote to the king of Spain in the spirit of a seer: "This federal republic is born a pigmy. A day will come when it will be a giant; even a Colossus, formidable to these countries. Liberty of conscience, the facility for establishing a new population on immense lands, as well as the advantages of the new government, will draw thither farmers and artisans from all the nations. In a few years we shall watch with grief the tyrannical existence of this same Colossus." The Venetian ambassador wrote: "If the union of the American provinces shall continue, they will become by force of time and of the arts the most formidable power in the world."[1]

Lecky, the English historian, says: "It is impossible not to be struck with the skill, hardihood, and good fortune that marked the American negotiations. Everything the United States could, with any shadow of plausibility, demand from England, they obtained; and much of what they obtained was granted them in oppo-

[1] 7 Winsor's Narrative and Critical History of America, 152.

sition to the two great powers by whose assistance they had triumphed. . . . America gained at the peace almost everything she desired, and started, with every promise of future greatness, upon the mighty career that was before her."[1]

[1] 4 Lecky's History of England in the XVIII. Century, 263.

CHAPTER III.

PEACE UNDER THE CONFEDERATION.

The last chapter was concluded with the signature of the preliminary treaty of peace of 1782, which the next year became in effect the permanent treaty, and thus established in form the independence of the United States, fixed its relations with Great Britain, and gave the young nation a position among the governments of the world. As it is the most important treaty ever celebrated by this country, it may be interesting to look more closely at some of the incidents attending its negotiation, and at the personages most prominent in bringing it to a successful conclusion.

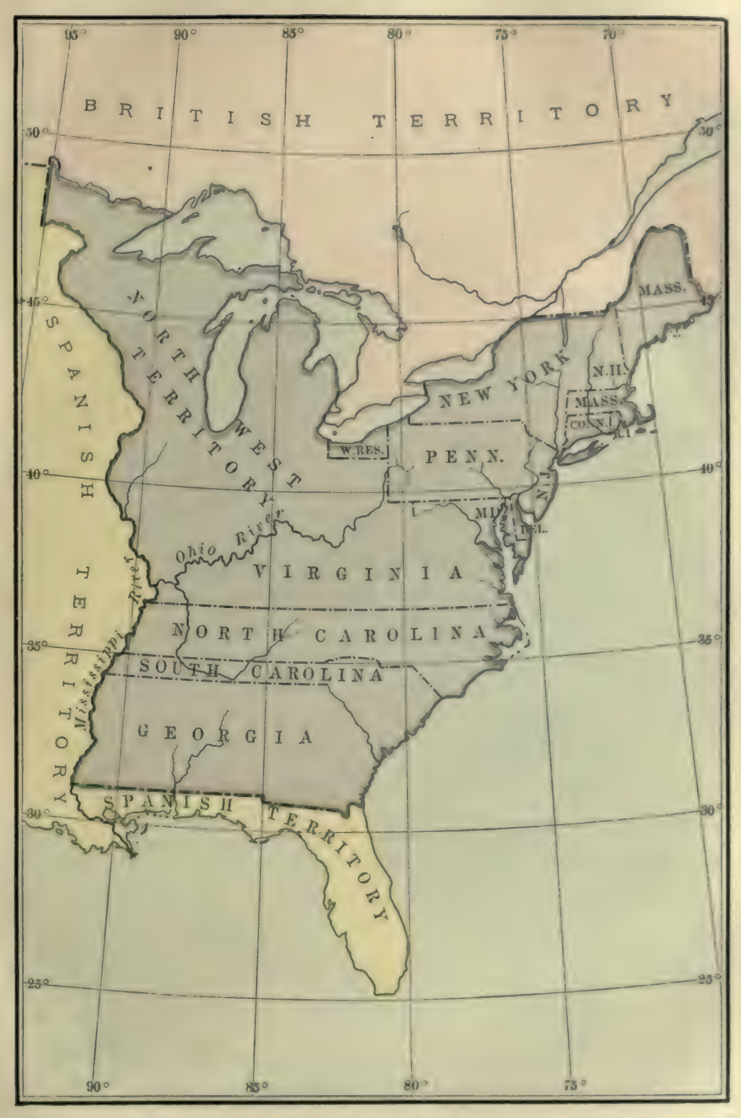
The first incident which attracts our attention is the issue which Jay raised soon after his arrival in Paris as to the sufficiency of Oswald's commission, which authorized him to treat with any commissioners named by the Colonies. Upon Jay's positive refusal to proceed with the negotiations, Oswald exhibited to the American commissioners his instructions, which stated that in case the commissioners were "not at liberty to treat on any terms short of independence, you are to declare to them that you have authority to make that concession." But even this was not satisfactory. Jay contended that the British and American commissioners should meet on equal terms as the representatives of equal nations;

that the treaty should be the consequence of independence, and not independence a consequence of the treaty. His persistency carried the day, and the new commission to Oswald authorized him to treat with any commissioners "vested with equal powers, by and on the part of the thirteen United States of America," naming them.

The importance of this position arises from the relation which is to be ascribed to the parties in making the treaty. If they were negotiating as independent nations the stipulations entered into were in the nature of the partition of an empire, and each continued in the exercise of the rights which pertained to them respectively, except as limited by the stipulations entered into. If, on the other hand, the negotiations were conducted on the basis of the continuing colonial existence, independence under the treaty carried with it only such rights as to boundaries, fishing, and navigation as the mother country should "grant" by virtue of the treaty. This question, we shall see, assumed practical interest when in later years the fishing rights became the subject of discussion and negotiation.

The question has been much mooted whether, if Franklin had been heartily supported by his colleagues, Canada might not have been included in the United States by the treaty of peace. In his informal "Notes for Conversation," [1] which he handed to Oswald before the negotiations had been fairly opened, Franklin suggested the voluntary cession of Canada, and, with a foresight which discerned the embarrassments and dan-

[1] 5 Dip. Cor. Rev. 541.



THE UNITED STATES, AFTER THE TREATY OF 1783

gers since realized in the existence of a foreign colony on our northern border, he asked the cession as the surety "of a durable peace and a sweet reconciliation." But it does not appear that he urged it at any future stage after the negotiations had been formally entered upon. Adams had expressed views similar to those of Franklin respecting the desirability of securing Canada, and could hardly have failed to support him, if he had thought it expedient or practicable to press the proposition;[1] and it is a well-founded surmise that the American negotiators did not think it wise to renew it. With the better knowledge now of the necessities of the British government and the state of parties, and especially of Shelburne's views, as revealed by the correspondence and narratives of the period, it would seem probable that if the cession of Canada, coupled with a substantial provision for the loyalists, had been made a condition of peace, it might have been attained; but it is evident it was not so believed at the time by the American negotiators.

An interesting military incident is worth relating in this connection. In the autumn of 1778, Congress, without consulting Washington or other responsible military officials, devised a detailed plan for the conquest of Canada by the combined movement of the American and French land and naval forces, the special feature of which was the sending from France of a

[1] "So long as Great Britain shall have Canada, Nova Scotia, and the Floridas, or any of them, so long will Great Britain be the enemy of the United States, let her disguise it as much as she will." John Adams to Samuel Adams, July 28, 1778. (2 Dip. Cor. Rev. 667.)

considerable army to occupy Quebec by surprise. Lafayette, who had been consulted by Congress as to the scheme, and who was deeply interested in the separation of Canada from England, was about to make a visit to Paris, and to him was to be intrusted the plan for delivery to Dr. Franklin, by whom, seconded by Lafayette, it was to be urged upon the French government. After its formal adoption, the plan was sent to General Washington with request that he communicate directly with Franklin on the subject. Thereupon Washington wrote Congress a long letter, strongly disapproving of the plan as impracticable and unwise, and suggested that before communicating with Franklin he should have a personal interview with Congress. Accordingly he came to Philadelphia, and the result was that the expedition was entirely, though reluctantly, given up. Washington assigned many military reasons why the plan was unwise, but he found one unsurmountable objection. "This," he wrote, "is the introduction of a large body of French troops into Canada, and putting them in possession of the capital of that province, attached to them by the ties of blood, habits, manners, religion, and former conception of government. I fear this would be too great a temptation to be resisted by any power actuated by the common maxims of national policy." He expressed the suspicion that the plan originated with the French government, and that Lafayette was made the instrument of bringing it to the attention of Congress; and adds: "I hope I am mistaken, and that my fears of mischief make me refine too much and awaken jealousies that have no

sufficient foundation." Unimpeachable as was the patriotism of Washington, it is no disparagement to his character to say that his partiality for the English race saw in the occupation of Canada by a French army a serious danger to the interests of his country. It was the same spirit of kinship of blood and institutions which, as we have seen, led Lord Shelburne to decline the overtures of the French government as to the boundaries, preferring the Americans rather than the Spaniards as neighbors in the Mississippi Valley.[1]

The action of the American commissioners in violating the instructions of Congress by separating themselves from Vergennes, and conducting their negotiations to a conclusion with the British commissioners without consultation with the French government, has been the subject of much discussion and criticism. In the correspondence from which quotation has already been made, it is seen that Vergennes did not intimate that the action of the commissioners was in violation of the treaty of alliance, and that he looked upon the nonobservance of the instructions of Congress rather as an act of indecorum than of bad faith; and Franklin in his reply terms it an indiscretion. His defense is that nothing was agreed contrary to the interests of France, and that no peace was to take place till France had come to an agreement with England. The commissioners, in their reply to Secretary Livingston's censure of their conduct, wrote: "As we had reason to imagine that the articles respecting the boundaries, the refugees,

[1] 2 Secret Journals of Congress, 11, 125; 3 Marshall's Washington, 568-580; 2 Pitkin's History U. S. 67.

and fisheries did not correspond with the policy of this court, we did not communicate the preliminaries to the minister until after they were signed; and not even then the separate article. We hope these considerations will excuse our having so far deviated from the spirit of our instructions. The Count de Vergennes, on perusing the articles, appeared surprised (but not displeased) at their being so favorable." In a letter accompanying the reply of the commissioners to Livingston, Franklin said: "I will not now take upon me to justify the apparent reserve respecting this court [of France] at the signature, which you disapprove. I do not see, however, that they have much reason to complain of that transaction. . . . I long since satisfied the Count de Vergennes about it here."[1]

The correspondence attending the negotiations, now accessible, shows that the suspicions of the American commissioners as to the opposition of France respecting some of the provisions of the treaty were well founded, and that she was secretly using her influence in a manner injurious to the United States. A further confirmation of the views of the American commissioners is found in the documents submitted to our government by Genet, the envoy of the French republic, in 1793. In order to extinguish the gratitude of the American people towards Louis XVI. for his part in the revolutionary struggle (a very strange proceeding for any French government), the Directory submitted official documents to prove the attitude of Vergennes and Montmorin, manifesting "in plain terms the solicitude

[1] 6 Dip. Cor. Rev. 581.

of France and Spain to exclude the United States from the Mississippi, and their jealousies of the growing power and ambition of this country."[1]

A departure from instructions is not an unusual incident of negotiations even at the present day; and there was much more occasion and justification for it before the age of steam and electricity. The instructions of Congress were peculiar in the circumstances under which they were issued, and unusual in their tenor. I have already referred to the fact that the French government had objected to the appointment of Adams as sole commissioner, and had asked Congress that others be named. But it went further, and, through the direct intervention of the French minister, secured a modification of the instructions as to the boundaries, fisheries, and navigation of the Mississippi, the most essential subjects, after independence, to be decided; and finally, at the minister's instance, the commissioners were instructed, as we have seen, to undertake nothing in the negotiations without the knowledge or concurrence of the ministers of the king of France; and ultimately to govern themselves by their advice and opinion.

Such instructions virtually took away from the American negotiators all discretion, and made them the mere instruments of the French minister of state, Vergennes. No self-respecting public men could be expected to follow literally such a course, and the only excuse which can be advanced on behalf of Congress for such action is that this body felt the necessities of the situation, as well as the treaty of alliance, required

[1] 1 Gibbs's Administrations of Washington and Adams, 95-96.

it to place its cause in the hands of "our generous ally." Had the commissioners been together when the instructions were received, they might have taken some action on the subject; but Adams was in Holland, Jay in Spain, and Franklin in Paris, and no common representation to Congress was practicable. But after the negotiations were concluded, and when Livingston's letter of censure on their action in withholding their proceedings from the French government was received, John Adams lost his temper (not an unusual occurrence with him), and he broke forth in this language: "I am weary, disgusted, affronted, and disappointed. . . . I have been injured, and my country has joined in the injury; it has basely prostituted its honor by sacrificing mine. But the sacrifice of me was not so servile and intolerable as putting us all under guardianship. Congress surrendered their own sovereignty into the hands of a French minister. Blush! blush! ye guilty records! blush and perish! It is glory to have broken such infamous orders. Infamous, I say, for so they will be to all posterity. How can such a stain be washed out? Can we cast a veil over it and forget it?"[1]

Notwithstanding their natural feeling of resentment, the commissioners were anxious to remove from the French ministry all further occasions of complaint, and soon after the signature of the treaty they published a formal declaration that so long as peace was not concluded between France and England the preliminary treaty did not change the relations between England

[1] 3 John Adams's Works, 359.

and the United States. As soon as the change of ministry in England brought about by the treaty would allow, negotiations were entered upon for the permanent treaty of peace. Oswald was recalled, and David Hartley, an old and intimate friend of Franklin, was sent in his place. Attempts were made to insert additional articles as to royalist land-owners, and as to commercial relations, but they all failed; and it was a high testimony to the efficiency of the work of the negotiators of the preliminary treaty that it was accepted without change as the permanent treaty of peace, which was signed September 3, 1783, the day of the signature of the treaties of peace of Great Britain with France and Spain.

Of all the foreign officials connected with these negotiations, the most prominent personage was Count de Vergennes, the French Minister of Foreign Affairs. He was not a man of commanding talents, but a thoroughly equipped diplomatist, and, by a residence at various courts before being called to the Ministry of Foreign Affairs of his own country, he had become probably the best informed statesman of his day respecting European politics. During a long public career no man more effectively served Louis XVI. and France. He was thoroughly devoted to his king and his country, and with him they were always inseparably united. Two motives impelled France to lend its support to the cause of the American Colonies. The first was the responsive chord of sympathy awakened by the spirit of liberty, in the French, partly sentimental and partly philosophical. The second had its origin in the traditional hatred of the English, and in the desire to

weaken and humiliate their ancient enemy. Vergennes was not influenced by the first, but fully controlled by the second. He regarded the contest between the Colonies and the mother country purely from the standpoint of French interests, and this fact is to be borne in mind in judging his conduct.

He has been charged with duplicity and bad faith, and his relations with the British ambassador support the charge; but there is no evidence that he did anything respecting America contrary to the terms of the treaty of alliance. That convention pledged France to the independence of the Colonies, but it went no further. While Vergennes was heartily in favor of tearing away the most important dependency of the British empire, he did not propose to accomplish this result to the injury of the interests of France or her nearest ally, the Spanish Bourbons. Owing to the French participation in the Newfoundland fisheries and to the Spanish territorial claims in the Mississippi Valley, he opposed as far as he thought prudent the proposals of the American envoys respecting the Canadian fisheries and the western boundaries. His correspondence, extracts from which have been given, shows that he was not over-scrupulous in attaining his ends; but so far as the Colonies were concerned he complied strictly with his promises, and rendered them invaluable aid in times of their sorest need. For his contribution towards the achievement of its independence America should cherish his name with grateful memory.

The English statesman who most controlled the negotiations was Lord Shelburne, and he is entitled to the

greatest share of the credit for bringing them to a successful conclusion. In his earlier life, during a chaotic period of English politics, he was associated with men of strong retrograde tendencies; but in his mature years he became attached to the school of liberal political economists led by Adam Smith, and in this company he made the acquaintance of Franklin during the latter's residence in England. This relation, as we have seen, led to the opening of peace negotiations. Although he had been slow to recognize the necessity of independence, when the fit time arrived he was more prompt and liberal in action than his political associates, Fox and Burke, who had before been so strong in advocacy of the cause of the Colonies. Strange to say, but for their opposition the terms of peace Shelburne was ready to grant would have been even more liberal than those finally obtained. Having accepted independence as inevitable, he had the statesmanship to see that it would be good policy to establish peace between the mother country and the new state upon such a basis as would secure the latter's confidence and friendship. Hence Rayneval's mission to London had no unfavorable influence on him. He much preferred to have the vast territory of the Ohio and Mississippi valleys transferred to the United States than to either France or Spain; and he was quite prepared at that early day to open the commerce of the two kindred people upon the most liberal terms of reciprocity. Had the policy which he advocated been adopted by the British government, the war of 1812 and much of the bitter feeling of later years might have been avoided.

The biographers of Franklin, Adams, and Jay have indulged in much discussion as to the relative credit to be ascribed to these great men for the happy conclusions of the peace negotiations; and their respective partisans have found in the incidents attending these proceedings much occasion for criticism. For this unfriendly debate John Adams is chiefly responsible. He was a man of strong passions and hasty prejudgment of his associates. Jefferson, after an intimate acquaintance with him in Paris and London, wrote: "He is vain, irritable, and a bad calculator of the force and probable effects of the motives which govern men. This is all the ill which can possibly be said of him."[1]

No one doubts that he was inspired by the most exalted patriotism. The ecstacy of this sentiment may be seen in an extract from his diary upon signing the treaty with Holland: "One thing, thank God! is certain. I have planted the American standard at the Hague. There let it wave in triumph over Sir Joseph Yorke [the British minister] and British pride. I shall look down upon the flagstaff with pleasure from the other world." He expected to carry his patriotism beyond the grave. Two days after his arrival to take part in the negotiations, before he had seen either Franklin or Jay, he makes this entry in his diary: "Between two as subtle spirits as any in this world [Franklin and Jay], the one malicious, the other, I think, honest, I shall have a delicate, a nice, a critical part to act. Franklin's cunning will be to divide us; to this end he will provoke, he will insinuate, he will

[1] 2 Jefferson's Memoirs (ed. 1829), 88.

intrigue, he will manœuvre. My curiosity will at least be employed in observing his invention and his artifice."[1]

Franklin was equally free in expression of opinion of Adams. In a letter to Secretary Livingston at the close of the negotiations, he wrote: "He [Adams] means well for his country, is always an honest man, often a wise one, but sometimes and in some things absolutely out of his senses."[2] We have seen that Adams in the negotiations at once placed himself on the side of Jay. In the light of the foregoing extract, we are not surprised that at the close he should write: "The principal merit of the negotiation was Mr. Jay's; and had all been left to Franklin as was wished [by France] all would have been lost."

The facts, however, do not warrant these statements. Owing to the ill-health of Dr. Franklin the burden of the negotiations devolved upon Mr. Jay, and his firm position as to Oswald's commission, Rayneval's mission to London, and the departure from the tenor of the instructions of Congress, decided the course of proceedings as to those important matters; but there is no evidence to show that Franklin would have abandoned any of the essential claims of the Colonies. In fact, there is abundant evidence to the contrary. At the outset, before negotiations were formally entered upon, in the memorandum which he furnished Oswald, the terms which Franklin set forth as "necessary" conditions for a treaty were almost identical with those finally agreed upon; and in no stage of the negotia-

[1] 3 John Adams's Works, 300. [2] 6 Dip. Cor. Rev. 582.

tions did he indicate a disposition to abandon them. His conduct exposed him to the charge of subserviency to the French court, as he refused to believe that Vergennes was acting in bad faith, and he did not see that anything was to be gained by concealing from that minister the steps of the negotiations with the British. Jefferson, who succeeded him as minister, said of Franklin: "As to the charge of subserviency to France . . . it had not a shadow of foundation. He possessed the confidence of that government in the highest degree, insomuch that it may truly be said that they were more under his influence than he under theirs."

His course throughout was, to say the least, more consistent than that of Jay, who, at the beginning, was an enthusiastic champion of French interests as against the English, repeatedly voted in Congress, at the instance of the French minister, to abate our demands as to the boundaries and fisheries, and when a choice was to be made of an envoy to negotiate peace he was set up as the French candidate in opposition to Adams, and it required a two days' balloting to decide the choice. On Jay's arrival in Paris, as we have seen, he underwent a revulsion of sentiment, and threw himself wholly into the confidence of the British.

Franklin's course and service were much more diplomatic. He antagonized neither government, and preserved the confidence and friendship of both to the end. As has been stated, the negotiations were initiated by means of his former acquaintance with Lord Shelburne, who, in his letter notifying Franklin of Oswald's selection, stated that if he did not prove ac-

ceptable any other person whom he (Franklin) might name would be designated; a mark of deference rarely shown to any man. As Oswald had been recommended by his friend Adam Smith, he could bear no higher testimonial of fitness. And when the change of ministry in England occurred, which made Oswald's recall necessary, the new ministry, out of consideration for Franklin, selected his intimate associate and friend, David Hartley, to conclude the permanent treaty of peace. During the negotiations it was Franklin who was appealed to, by both the English and French, to moderate the hasty and almost defiant attitude of his more fiery colleagues; and when the fact of the signing of the preliminary treaty came to the knowledge of Vergennes, it was to Franklin he appealed for an explanation, because, as he wrote to Congress through Luzerne, "his colleagues do not pretend to recognize the rules of courtesy in regard to us." And it was mainly because Shelburne reposed the most implicit confidence, as he expressed it, in "the comprehensive understanding and character of Franklin," the negotiations were conducted to a happy issue.

The conduct of important business of our country has never been intrusted to men of greater ability, versatility, and patriotism than this triumvirate of statesmen. That owing to an incompatibility of temperament, both mentally and morally, two of them reached a painful state of personal relations, and that they differed as to the course to be pursued, only show they were mortal. Thanks to their patriotism and their sense of propriety and dignity, they subordinated their

passions to the great interests of their country, and crowned their labors by the celebration of a treaty which has had an influence upon this nation more far-reaching and beneficial than any other convention ever negotiated by our government. It has stood the test of time as a wise and comprehensive instrument. It was the charter which confirmed the Declaration of Independence and recognized the United States as a member of the family of nations. While the union of these States continues, and their influence and importance are felt throughout the world, so long will the work of the American commissioners at Paris be recognized and honored.

During the colonial period the trade of America had been mainly with the mother country, but it was feared in England and believed on the continent that with the colonial system abolished there would be a large increase of commerce between the United States and other nations and a decrease with England. Hence quite a desire was manifested on the continent to cultivate this trade. Several months even before the permanent treaty of peace was signed, Sweden followed the example of France and Holland, and negotiated with Dr. Franklin at Paris a treaty of commerce, and negotiations were opened with Denmark and Portugal, but not brought to a conclusion at that time. As indicating the spirit of the period and as a curious specimen of the stilted official language then in use, the following extract is made from a letter dated March 29, 1783, sent to Congress by the Burgomasters and Senate of the Free City of Hamburg.[1] It is addressed: "Right

[1] 1 Dip. Cor. 1783–1789, p. 45.

Noble, High, Mighty, Most Honorable Lords: Since by the preliminary articles of peace lately between the high belligerent Powers concluded, the illustrious United States of North America have been acknowledged free, sovereign, and independent, and now, since European Powers are courting in rivalry the friendship of your High Mightinesses,

"We, impressed with the most lively sensations on the illustrious event, the wonder of this, and the most remote future ages, and desirous fully to testify the part which we take therein, do hereby offer your High Mightinesses our service and attachment to the cause.

"And in the most sincere disposition of the heart, we take the honor to wish, so far as from Omnipotent Providence we do pray, that the most illustrious Republic of the United States of America may, during the remotest centuries, enjoy all imaginable advantages to be derived from that sovereignty which they gained by prudence and courage. That by the wisdom and active patriotism of your illustrious Congress it may forever flourish and increase, and that the High Mighty Regents of these free United States may with ease and in abundance enjoy all manner of temporal happiness, and at the same time we most obsequiously recommend our city to a perpetual friendly intelligence, and her trade and navigation in matters reciprocally advantageous, to your favor and countenance.

"In order to show that such mutual commerce with the merchant houses of this place may undoubtedly be of common benefit, your High Mightinesses will be pleased to give us leave to mark out some advantages of this trading city."

Then they proceed to show the advantages of a connection with their city where, they say, there prevails "a free, unrestrained republican commerce, charged with few duties;" they set forth its favorable location, the attractions of its market, and inclose with the letter a long list of merchandise which can be most profitably bought there, "imitating the French, but one-third cheaper," or "near like the English, but twenty-nine per cent. cheaper." They inform Congress that "in testimony of our most attentive obsequiousness and sincere attachment," they have deputed a citizen (named) of good report and solidity to present "this our most obsequious missive." The text of the original letter is not preserved, and it has evidently suffered somewhat at the hands of the translator.

Neither the anticipations of the continental countries nor the fears of the British were realized, as from that day forward the bulk of our trade has steadily flowed to and from England. Independence did not change the stream of commerce.

But commercial subjects were not the only ones to which the attention of the ministers of the United States was directed at the conclusion of the war. The independence of the colonies made it necessary to reorganize the religious denominations, especially those which depended upon European control. The Apostolic Nuncio in Paris accordingly addressed himself to Dr. Franklin in July, 1783, and asked him to forward to Congress a note explaining the necessity of a change in the Apostolic Vicar for the United States, and in which Congress was asked to give its assent to the appoint-

ment.[1] The latter body after due deliberation directed Franklin to reply to the Nuncio that "the subject of his application being purely spiritual, it is without the jurisdiction and power of Congress, who have no authority to permit or refuse it."[2]

The independence of the Colonies found the Episcopal or English Church without a bishop in America, and no one could be admitted to holy orders without a resort to the Episcopate of England, and without taking the oath of allegiance and acknowledging the king as the head of the church. A young divinity student from Maryland, Mason Weems, having completed his course in England, applied first to the Bishop of London and then to the Archbishop of Canterbury, who replied that if he could not take the oath nothing could be done till Parliament changed the law. He thereupon applied to Dr. Franklin in Paris, and to Mr. Adams at the Hague, to ascertain if there might not be found on the continent some Protestant bishop willing to ordain him. Mr. Adams conferred with the Danish minister, who submitted the question to his government, which obtained the opinion of the theological faculty of the Danish church that ordination could be there administered, and that to obviate the difficulty of the candidate's want of knowledge of the Danish language the Latin would be used in the rites. Mr. Adams communicated the correspondence to Congress, and that body adopted a resolution expressing its "high sense of the liberal decision of his majesty," and directed that copies of the correspondence be sent to the governors of all the States.[3] A

[1] 6 Dip. Cor. Rev. 614. [2] 3 Secret Journals, 493.

[3] 1 Dip. Cor. 1783–1789, p. 453; 3 Secret Journals, 549.

resort to this method was, however, soon made unnecessary by the modification of the English test oath law.[1]

The next diplomatic event calling for notice was the treaty made with Prussia in 1785. Reference has already been made to the efforts, soon after the proclamation of independence, to secure some recognition on the part of the king, Frederick the Great, under whose reign that kingdom was assuming an importance which made its friendship highly desirable to the revolted Colonies. Frederick was not friendly to England, and encouraged Louis XVI. to enter into alliance with them, with an indication on his part that such a step would be followed by his recognition of the new state; but such action did not occur, and he manifested great indifference to the cause of the Colonies. The chief event of the unrecognized American representative was to have his room in the hotel at Berlin broken open and his dispatches carried away by the servant of the British minister, by whom they were returned, as Bancroft says, after he had read them. The king was aware of the unseemly conduct of the British representative, but he took no notice of it.

The year following the peace with England, John Adams, Franklin, and Thomas Jefferson were appointed commissioners to negotiate treaties of commerce with various European governments, and the convention

[1] Additional interest attaches to this incident from the fact that the clergyman Weems afterwards returned to Virginia, was attached to a church near Mount Vernon, and was the author of the panegyric entitled "The Life of George Washington, with Curious Anecdotes," etc., in which appears the now discredited story of the cherry-tree and the hatchet.

with Prussia of 1785 was the outcome of this appointment. It was mainly the work of Dr. Franklin, and in it were inserted the principles for which he had so long contended as to neutrality, privateering, and the exemption of private property on the sea from confiscation in war. It was called "a beautiful abstraction;" a dream of the philosopher who vainly sought to mitigate the cruelties of war; and when the treaty came to be renewed in 1799 these provisions were omitted. Franklin's efforts, however, have not been entirely in vain. In the Declaration of Paris of 1856, adopted by the great powers of Europe, privateering was abolished; and when the adhesion of the United States to the declaration was asked, Secretary Marcy proposed as an amendment that private property of belligerents at sea be exempt from capture; and because of the refusal of the powers to admit that principle, the adhesion of the United States was withheld. Our country, through the recent action of President McKinley in asking its adoption by the Hague conference, is on record as still advocating Franklin's liberal principle. The treaty with Prussia has the unique feature of having been signed by the four signatory parties thereto at four different dates and at three different places; the instrument being signed by Mr. Adams in London, by the Prussian minister at the Hague, by Dr. Franklin in Paris, July 9, and by Mr. Jefferson, July 28, he having arrived in the interim in that city from America.

Other treaties of the ante-Constitutional period were those with Morocco in 1787 and the consular convention of 1788 with France. It is of interest to note the

part which the Continental Congress played in the negotiation of all the treaties, from that with France of 1778 up to the adoption of the Constitution. There being no distinct executive head of the government, Congress took the part of the executive in initiating and directing the negotiations. The terms of all treaties to be made were discussed in their details, and in almost all cases the draft or plan was first adopted by Congress, before being sent to our ministers abroad for negotiation with the other contracting party. Mention has already been made of the advanced stage of international law assumed by American statesmen as indicated in the French treaty of commerce of 1778, and the same characteristic marks all the other commercial treaties — greater guarantees and privileges to commerce, the recognition of a genuine neutrality, an effort to alleviate the horrors of war, and a restraint upon its destructive propensities. That the old nations of Europe were willing at the instance of this infant republic to consecrate these advanced principles in treaties was high praise for the statesmen of our Revolutionary period. Nor is all the credit to be given to our representatives abroad, Franklin, Adams, Jay, and Jefferson. A share of the praise is due likewise to the controlling members of the Continental Congress.

The treaty with Prussia was Franklin's last diplomatic work, as he was relieved by Jefferson as minister to France, and returned to his native land full of years and of honor. Adams, meanwhile, had been appointed minister plenipotentiary to Great Britain, and had already assumed the duties of his new post. I have

referred to Adams's mortification at the action of Congress in taking from him the sole power to negotiate the treaty of peace with Great Britain. After the treaty was signed he sought the appointment of minister to England as a personal vindication. In this connection an extract is given from a letter of Mr. Jay, from Paris, to the president of Congress: "It cannot, in my opinion, be long before Congress will think it expedient to name a minister to the court of London. Perhaps my friends may wish to add my name to the number of candidates. If that should be the case, I request the favor of you to declare in the most explicit terms that I view the expectations of Mr. Adams on that head as founded in equity and reason, and that I will not, by any means, stand in his way. Were I in Congress I should vote for him. He deserves well of his country, and is very able to serve her. It appears to me to be but fair, that the disagreeable conclusions, which may be drawn from the abrupt repeal of his former commission, should be obviated, by its being restored to him."[1]

Adams's reception by George III. was private, but we have this incident. The king in the interview referred to Adams's well-known want of confidence in the French ministry, to which Adams replied with some spirit: "I must avow to your majesty that I have no attachment but to my own country." Although in the audience George III. conducted himself with kingly courtesy, Adams's residence at his court was full of embarrassment and ill-treatment. The British government raised

[1] 6 Dip. Cor. Rev. 457.

all kinds of difficulty as to the observance of the treaty of peace, and Adams was received with much coldness in political and court circles, with few exceptions. Added to these troubles, Congress saw fit to reduce his salary, and he determined no longer to endure his intolerable relations. After a three years' stay he returned to America. In quitting England, Mrs. Adams writes: "Some years hence it may be a pleasure to reside here in the character of American minister, but with the present salary and the present temper of the English, no one need envy the embassy."

Mr. Jay, as Secretary for Foreign Affairs, made a favorable report to Congress upon Mr. Adams's mission; but with great difficulty Congress was induced to approve his course, a feeling being prevalent that he might have managed matters with more skill and discretion. This closed the services of Mr. Adams as a diplomatist. That they terminated in failure cannot be attributed to him, as no one could have brought the British government to a compliance with the just demands of the United States at that time. Although his temperament was not suited to diplomacy, Mr. Adams's services in Europe cannot be too highly estimated. Lacking the qualities which made Franklin so successful, no man of his day had a clearer conception of the significance of American independence or of the great future reserved for his country, and none of our foreign representatives was so earnest in impressing these ideas upon the public men of Europe.

Mr. Jay, after the treaty of peace, spent a short time in England, and then returned to America, fully expect-

ing to retire from public life and resume the practice of the law. Adams wrote: "Our worthy friend, Mr. Jay, returns to his country like a bee to his hive, with both legs loaded with merit and honor;" and such was the judgment of his countrymen. He was disappointed in his expectations, as he learned on landing that some months before Congress had selected him Secretary for Foreign Affairs, Livingston having resigned. The latter had acted as Secretary of Foreign Affairs since 1781, during an important period in the diplomatic affairs of the country. He labored under great embarrassments, having no power of independent action, having in all matters to take the views of Congress and be governed by its direction. His papers show a high order of talent, and he was a valuable public servant.

No man in the country was so well fitted for the post of secretary as Mr. Jay. Young, industrious, and able, his residence abroad had made him thoroughly informed on European affairs, and his personal acquaintance with our diplomatic representatives made communication between them much more satisfactory. He found the office inadequately equipped, and only enlarged as to its force since its organization by the addition of one clerk, this being done, as the report states, to enable "one of them to be in the office while the other is absent at dinner." From the same report[1] we learn that the office quarters of the department consisted of "only two rooms, one of them being used as a parlor, and the other for the workshop." He soon brought order out of confusion, and the secretaryship

[1] The Department of State, 42.

became the first office in importance under the Confederation. In 1786 the French representative wrote: "The political importance of Mr. Jay increases daily. Congress seems to me to be guided only by his direction."

Soon after assuming the office, the arrival of a Spanish minister added increased cares, as he came to settle the controversy about the navigation of the Mississippi and to arrange a commercial treaty; but the long and weary negotiations came to naught, and the vexed question was transmitted as a legacy to the Constitutional Government. He had many other questions on his hands, such as the establishment of commercial reciprocity with France, the Algerine pirates, the complaints as to the non-observance of the treaty by Great Britain, the Beaumarchais and other Revolutionary claims. A secret act of Congress, taken at Jay's suggestion, is of singular interest at this day, authorizing the Secretary for Foreign Affairs to exercise supervision of the mails, and in his discretion to open letters in the post office; but it is said that Mr. Jay never exercised the power. The explanation of the act is that it was the common practice in European governments. I have already noticed the expedients resorted to during our Revolutionary war to prevent the correspondence of our diplomatic agents abroad being tampered with. An English author on diplomatic topics, writing after the middle of the present century, states that the correspondence of ambassadors was even at that date systematically intercepted and opened in many countries.[1]

[1] Murray's Embassies, 137.

The social duties of the secretary were a prominent feature of his services. He built a spacious residence in New York, to which place his department had been removed, and it became the centre of official entertainments, in which he was gracefully supported by Mrs. Jay. The daughter of John Adams writes: "Mrs. Jay gives a dinner almost every week, besides one to the *corps diplomatique* on Tuesday evening."

But Mr. Jay found that all his labors in the foreign department were to little purpose. Under the Articles of Confederation both he and the Congress were clothed with insufficient power to meet their international obligations. Vergennes was complaining of the imperfect arrangement to meet the foreign debts, and the French minister in the United States went so far as to intimate that "no nation could safely trade and navigate in their ports." Jefferson and his associate commissioners were told in Paris that it was useless to make agreements with the United States which the latter had no power to enforce.[1] Adams reported from Holland to

[1] **Messrs. Adams, Franklin, and Jefferson, then in Paris under instructions of Congress to negotiate treaties with various European powers, addressed a note to the British ambassador inviting him to join them in the negotiation of a political and commercial treaty; to which he replied, March 26, 1785, that he had been "instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested, whether you are merely commissioned by Congress, or whether you have received separate powers from the respective States. . . . The apparent determination of the respective States to regulate their own separate interests renders it absolutely necessary towards framing a permanent system of commerce, that my court should be informed how far the commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the States to render totally fruitless and ineffectual." 1 Dip. Cor. 1783–1789, 574.**

Jay, before entering on his duties in London, that American credit was dead; and from that capital he wrote: "We shall never have a satisfactory arrangement with this country until Congress shall be made by the States supreme in matters of foreign commerce." Meanwhile the States refused to confer upon Congress authority to levy a five per cent. import tax to pay its foreign loans. Massachusetts imposed a heavy duty on British commerce, and Connecticut threw open its ports free to British ships, and placed an import duty on goods from Massachusetts. Other States were engaged in legislative warfare. The national treasury was bankrupt, and calls upon the States received little attention. Shays' rebellion, a direct outgrowth of the disordered state of the finances, was an alarming indication of the weakness of the Confederation. Randolph termed it "a government of supplication." The British government looked upon it as likely to go to pieces. In this state of affairs it is not strange that the negotiations with Spain came to a fruitless end;[1] the treaty with England could not be enforced; and when loans were to be negotiated Secretary Jay was forced to confess that Congress was not in a position "to pledge its honor and faith as a borrower." In an address to the people of his own State,[2] he said Congress may make war,

[1] Our relations with Spain at this time were of a most threatening character. Of them Mr. Jay wrote: "Unblessed with an efficient government, destitute of funds, and without public credit at home or abroad, we should be obliged to wait in patience for better days, or plunge into an unpopular and dangerous war, with very little prospect of terminating it by a peace either advantageous or glorious."

[2] 3 John Jay's Works, 294.

but they are not empowered to raise men or money to carry it on; it may make peace, but is without power to see the terms of it observed; may form alliances, but without ability to comply with the stipulations on their part; may enter into treaties of commerce, but without power to enforce them; may appoint ministers, but without power to punish them for misdemeanors; in short, Congress may consult, and deliberate, and recommend, and make requisitions, and they who please may regard them. These were among the most cogent of the reasons which led to the Convention which framed the Constitution of 1787, and under which the foreign relations of the United States underwent a great transformation.

In closing the review of the Revolutionary period, I desire to add a word as to the men who represented our country abroad from the Declaration of Independence to the adoption of the Constitution. In the list are the illustrious names of Franklin, Adams, Jay, and Jefferson, men whose career abroad compares favorably with that of the best trained diplomats of Europe. But there were many others, altogether near a score of agents and diplomatic representatives, some associated with Franklin, and others on independent missions. The record they made was not altogether a creditable one. While most of them were inspired by patriotic motives, some were guilty of treachery; bickering, fault-finding, and jealousy prevailed; and drunkenness and dishonesty marked the career of more than one of them. It constitutes a record which I am pleased to say could hardly be repeated in our day. In the midst

of this mixture of good and evil, the calm and upright character of Franklin stands out in bold relief. He did not escape criticism and scandal, but in his long service he never failed in his duty as a diplomat and patriot. As we have seen, his acts were not above criticism, his temper was not always under control, and we could wish, for its influence on the generations after him, that his private life had been more pure. But when we review the history of our Revolutionary period, the place in the public esteem and in value of service to the country, next to Washington,[1] must be given, not to that stern patriot John Adams, not to Patrick Henry, Thomas Jefferson, nor to any military hero, but to Benjamin Franklin, our first and greatest diplomat.

[1] There is a curious letter of Mr. Jefferson, in which, some years after the event, he refers to the death of Dr. Franklin in connection with an incident of Washington's cabinet. The King and Convention of France, and the House of Representatives of the United States, had decreed mourning, and Jefferson proposed that the executive department also should wear mourning. To this Washington objected, because he should not know where to draw the line. He writes: "I told him the world had drawn so broad a line between himself and Dr. Franklin, on the one side, and the residue of mankind, on the other, that we might wear mourning for them, and the question remain new and undecided as to all others." 8 Writings of Jefferson, 264.

CHAPTER IV.

THE ORGANIZATION OF THE DEPARTMENT OF STATE.

One of the last acts of the expiring Continental Congress was the adoption of the following resolution in September, 1788: —

"*Resolved,* That no further progress be made in the negotiations with Spain by the Secretary for Foreign Affairs, but that the subjects to which they relate be referred to the Federal Government, which is to assemble in March next."

It was the final admission by that body of its impotence respecting the conduct of the foreign relations of the country, and this was a leading motive for the creation of a new government which should be clothed with adequate powers for that purpose.

The Constitutional Convention when it assembled was confronted with this manifest weakness of the Confederation, and it addressed itself to the task of remedying the defect; first, by conferring upon the federal government full and complete power over the relations with foreign nations; and, second, by a careful division of those powers between the executive and legislative departments of the government. The experience of the Continental Congress was most useful to the Convention. It had shown that the powers reserved to the Colonies, or States, deprived Congress of authority to enforce its

international obligations, notably in the case of the treaty of peace with Great Britain, in a less degree in its commercial relations with France and other powers, in the negotiations with Spain respecting the navigation of the Mississippi, and in other matters. This experience had also made it clear that a most serious defect was in the absence of an executive, clothed with sufficient power and dignity to properly conduct intercourse with foreign sovereigns, enforce the treaties and laws of Congress, and administer the government. An attempt had been made to supply these wants by the creation of various committees or boards. For example, the conduct of the war was, in the first instance, intrusted to what was termed a "Secret Committee," then a "Cannon Committee," and a "Medical Committee"; and after a time all of these were combined in one committee termed the "Board of War and Ordnance," consisting of five members of Congress, assisted by a secretary and clerks; and to this was added a further body of officials styled the "Board of War," composed of generals of the army, acting under the Congressional Board. The management of the finances underwent a very similar experience and transformation. I have already referred to the action of Congress in the conduct of its foreign relations by the creation, first, of a committee, and, near the close of the war, of a Secretary of Foreign Affairs. The experience of the Confederation with its various boards was most unsatisfactory, and sometimes pathetic.

The result of the careful deliberations of the Constitutional Convention, with respect to the division of powers as to international affairs, was to confer upon

Congress two important duties; first, "to regulate commerce with foreign nations," and, second, "to declare war." Other subordinate matters were also intrusted to Congress, to wit, legislation respecting naturalization of aliens, and the punishment of piracy and felonies committed on the high sea, and offenses against the laws of nations. The President was made commander-in-chief of the army and navy; he was given "power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur;" it was made his duty to "nominate, and by and with the advice and consent of the Senate, . . . appoint ambassadors, public ministers, and consuls;" and he was authorized to "receive ambassadors and other public ministers."

These conclusions of the Convention were reached after many lengthy and exhaustive deliberations, involving the executive and legislative prerogatives. The ancient and modern history of nations and systems of government, and the opinions of publicists, were laid under contribution; but probably the most trustworthy and controlling authority in these discussions was Blackstone, who then, even more than now, possibly, was held in high esteem by American lawyers. His treatment of the royal powers in Book I., chapter vii., was especially helpful, and the evidences of his influence are seen particularly in Articles I. and II. of the Constitution, which relate to the legislative and executive departments. At the date of the Convention, the power to declare war and to make peace was almost universally exercised by the king, the executive head of the gov-

ernment. The provision of the Constitution giving to Congress the power to declare war was one of the most marked departures from the existing order. The power to make peace, however, was conferred upon the President and the Senate jointly, under the treaty-making clause, as war between two nations can only be brought to a close by a convention or agreement, which must eventually take the shape of a treaty.

The provisions of the Constitution above cited were adopted not only after much debate, but they evoked strong opposition among the people of the States, to whom that instrument was submitted for ratification. A very heated discussion was carried on throughout the country, in which the ablest and most effective defenders of the Constitution were John Jay, Alexander Hamilton, and James Madison. They prepared a series of papers which were published in the periodicals of the day under assumed names, and they were afterwards collected in a volume under the title of the "Federalist," which has become a standard authority upon the object and intent of the various provisions of this organic act. As indicating the style of these papers, and the character of the discussion of the period on the subjects under review, I give a few extracts from the "Federalist."

John Jay was not a member of the Constitutional Convention, being at the time Secretary of Foreign Affairs under the Confederation; but his experience in the diplomatic service in Spain and at Paris, and his duties as secretary, specially fitted him for the discussion of the provisions of the new Constitution affecting

foreign relations. The following is a quotation from his article on the clause of that instrument relating to the negotiation and ratification of treaties: —

"Some are displeased with the Constitution, not on account of any errors or defects in it, but because, as the treaties, when made, are to have the force of laws, they should be made only by men invested with legislative authority. These gentlemen seem not to consider that the judgments of our courts and the commissions constitutionally given by our governor [of New York], are as valid and as binding on all persons whom they concern, as the laws passed by our legislature. All constitutional acts of power, whether in the executive or the judicial department, have as much legal validity and obligation as if they proceeded from the legislature; and therefore, whatever name be given to the power of making treaties, or however obligatory they may be when made, certain it is that the people may, with much propriety, commit the power to a distinct body from the legislature, the executive, or the judiciary. It surely does not follow that because they have given the power of making laws to the legislature, that therefore they should likewise give them power to do every other act of sovereignty by which the citizens are to be bound and affected.

"Others, though content that treaties should be made in the mode proposed, are averse to their being the *supreme* laws of the land. They insist, and profess to believe, that treaties, like acts of assembly, should be repealable at pleasure. This idea seems to be new and peculiar to this country; but new errors, as well as new

truths, often appear. These gentlemen would do well to reflect that a treaty is only another name for a bargain, and that it would be impossible to find a nation who would make any bargain with us which would be binding on them *absolutely*, but on us only so long and so far as we may think proper to be bound by it. They who make laws may, without doubt, amend or repeal them; and it will not be disputed that they who make treaties may alter or cancel them; but still let us not forget that treaties are made, not only by one of the contracting parties, but by both; and consequently, that as the consent of both was essential to their formation at first, so must it ever afterward be to alter or cancel them. The proposed Constitution, therefore, has not in the least extended the obligation of treaties. They are just as binding, and just as far beyond the lawful reach of legislative acts now as they will be at any future period or under any form of government."

In answer to the objection that the President and Senate may not make treaties in the interest of all the States, or may act corruptly, Mr. Jay wrote: —

"As all the States are equally represented in the Senate, and by men the most able and the most willing to promote the interests of their constituents, they will all have an equal degree of influence in that body, especially while they continue to be careful in appointing proper persons, and to assist on their punctual attendance. In proportion as the United States assume a national form and a national character, so will the good of the whole be more and more an object of

attention; and the government must be a weak one indeed, if it should forget that the good of the whole can only be promoted by advancing the good of each of the parts or members which compose the whole. It will not be in the power of the President and Senate to make any treaties by which they and their families and estates will not be equally bound and affected with the rest of the community; and having no private interests distinct from that of the nation, they will be under no temptations to neglect the latter.

"As to corruption, the case is not supposable. He must either have been very unfortunate in his intercourse with the world, or possess a heart very susceptible of such impressions, who can think it probable that the President and two thirds of the Senate will ever be capable of such unworthy conduct. The idea is too gross and too invidious to be entertained. But in such a case, if it should ever happen, the treaty so obtained from us would, like all other fraudulent contracts, be null and void by the law of nations.

"With respect to their responsibility, it is difficult to conceive how it should be increased. Every consideration that can influence the human mind, such as honor, oaths, reputations, conscience, the love of country, and family affections and attachments, afford security for their fidelity. In short, as the Constitution has taken the utmost care that they shall be men of talents and integrity, we have reasons to be persuaded that the treaties they make will be as advantageous as, all circumstances considered, could be made; and so far as the fear of punishment and disgrace can operate,

that motive to good behavior is amply afforded by the article on the subject of impeachments."[1]

Alexander Hamilton had no experience in diplomatic service, and, although a member of the Constitutional Convention, circumstances had prevented him from taking an active and continuous part in the framing of that instrument. His colleagues from the State of New York opposed the creation of a new form of government, and thereby greatly lessened his influence. Besides, while he heartily favored a new form of government, his own views respecting it were not adopted, and that detracted from his interest in the framing of the details. He was by instinct and association an aristocrat, and doubted the wisdom of conferring upon the people so great and direct a participation in the federal government; but he was an ardent patriot. Although absent during a considerable part of the sessions, he returned towards the close, and entered with zeal into the final deliberations, throwing his influence in favor of the Constitution as agreed upon.

Before the final adjournment, the venerable Franklin made an appeal for unanimous action, saying: "I consent to this Constitution, because I expect no better," and he asked each member to "doubt a little of his own infallibility." It was in this spirit Hamilton gave it his support. His contributions to the "Federalist" constitute much the greater portion of the work. Madison's part in the convention, in controlling and framing its conclusions, justly confers upon him the title of "Father of the Constitution;" but his task in bringing

[1] Lodge's Federalist, 404.

Virginia to its acceptance prevented him from using so freely his pen in its defense. To Hamilton was given the preëminence as the ablest and most effective advocate before the country, and in no part of his career was his matchless intellect more conspicuous. The following is his discussion of the diplomatic functions of the President, and his executive powers under the Constitution, in contrast with the king of Great Britain: —

"The President is to have power, with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur. The king of Great Britain is the sole and absolute representative of the nation in all foreign transactions. He can, of his own accord, make treaties of peace, commerce, alliance, and of every other description. It has been insinuated that his authority, in this respect, is not conclusive, and that his conventions with foreign powers are subject to the revision, and stand in need of the ratification, of Parliament. But I believe this doctrine was never heard of until it was broached upon the present occasion. Every jurist of that kingdom, and every other man acquainted with its Constitution, knows, as an established fact, that the prerogative of making treaties exists in the crown in its utmost plenitude; and that the compacts entered into by the royal authority have the most complete legal validity and perfection, independent of any other sanction. The Parliament, it is true, is sometimes seen employing itself in altering the existing laws to conform them to the stipulations of a new treaty; and this may have possibly given birth to the imagination, that its co-

operation was necessary to the obligatory efficacy of the treaty. But this parliamentary interposition proceeds from a different cause; from the necessity of adjusting a most artificial and intricate system of revenue and commercial laws to the changes made in them by the operation of the treaty; and of adapting new provisions and precautions to the new state of things, to keep the machine from running into disorder. In this respect, therefore, there is no comparison between the intended power of the President and the actual power of the British sovereign. The one can perform alone what the other can do only with the concurrence of a branch of the legislature.

"The President is also to be authorized to receive ambassadors and other public ministers. This, though it has been a rich theme of declamation, is more a matter of dignity than of authority. It is a circumstance which will be without consequence in the administration of the government; and it was far more convenient that it should be arranged in this manner than that there should be a necessity of convening the legislature, or one of its branches, upon every arrival of a foreign minister, though it were merely to take the place of a departed predecessor.

"The President is to nominate, and, *with the advice and consent of the Senate*, to appoint ambassadors and other public ministers, judges of the Supreme Court, and in general all officers of the United States established by law, and whose appointments are not otherwise provided for by the Constitution. The king of Great Britain is emphatically and truly styled the fountain of

honor. He not only appoints to all offices, but can create offices. He can confer titles of nobility at pleasure; and has the disposal of an immense number of church preferments. There is evidently a great inferiority in the power of the President, in this particular, to that of the British king; nor is it equal to that of the governor of New York, if we are to interpret the meaning of the constitution of the State by the practice which has obtained under it."

One of the objections most strongly urged against the Constitution was the creation of a President and the powers conferred upon him; the opponents likening him to the king of Great Britain. In the same article, Mr. Hamilton continues: —

"It appears yet more unequivocally that there is no pretense for the parallel which has been attempted between him and the king of Great Britain. But to render the contrast in this respect still more striking, it may be of use to throw the principal circumstances of dissimilitude into a closer group.

"The President of the United States would be an officer elected by the people for *four* years; the king of Great Britain is a perpetual and *hereditary* prince; the one would be amenable to personal punishment and disgrace; the person of the other is sacred and inviolable. The one would have a *qualified* negative upon the acts of the legislative body; the other has an absolute negative. The one would have a right to command the military and naval forces of the nation; the other, in addition to this right, possesses that of *declaring* war, and of *raising* and *regulating* fleets and

armies by his own authority. The one would have a concurrent power with a branch of the legislature in the formation of treaties; the other is the *sole possessor* of the power of making treaties. The one would have a like concurrent authority in appointing to offices; the other is the sole author of all appointments. The one can confer no privileges whatever; the other can make denizens of aliens, noblemen of commoners; can erect corporations with all the rights incident to corporate bodies. The one can prescribe no rules concerning the commerce or currency of the nation; the other is in several respects the arbiter of commerce, and in this capacity can establish markets and fairs, can regulate weights and measures, can lay embargoes for a limited time, can coin money, can authorize or prohibit the circulation of foreign coin. The one has no particle of spiritual jurisdiction; the other is the supreme head and governor of the national church! What answer shall we give to those who would persuade us that things so unlike resemble each other? The same that ought to be given to those who tell us that a government, the whole power of which would be in the hands of the elective and periodical servants of the people, is an aristocracy, a monarchy, and a despotism."[1]

Notwithstanding the efforts of the framers of the Constitution to that end, the division of powers as to foreign relations between the legislative and executive departments has not been so sharply defined as to prevent seeming conflict at times. Congress was given

[1] Lodge's Federalist, 432.

the power "to regulate commerce with foreign nations," and yet the President and the Senate have often modified our laws as to foreign commerce by treaty. Again, it is provided that Congress shall "declare war;" but the President, intrusted with the management of our foreign relations, or as commander-in-chief of the army and navy, can, without any action of Congress, so far commit the nation as to make war inevitable. For instance, we shall see in a later chapter that upon the annexation of Texas the President ordered the army of the United States into disputed territory, which brought on a war with Mexico, without any direct action of Congress.

On the other hand, it is within the power of Congress to nullify the action of the treaty-making power, the President and the Senate, by the passage of laws which operate to defeat the provisions of treaties. From the quotation made from the "Federalist," it would seem that it was the opinion of Mr. Jay that Congress would have no such power; as he argued that a treaty was a contract between two parties, and that it could only be repealed by the consent of both parties. But Congress, as in the Chinese immigration law, has intentionally legislated in direct contravention of an existing treaty, and the Supreme Court has sustained the act as binding municipally, on the principle that the last act of Congress repeals all previous laws in conflict with it, even though they may be treaties.

Congress can also greatly embarrass the President in treaty negotiations by the passage of resolutions or laws not in harmony with the objects had in view in

the negotiations. Congress has also assumed the functions of treaty-making by joint resolution, a purely legislative act. Such was the case in the annexation of Texas and Hawaii.

The usual practice has been for the President to initiate and carry to a conclusion all treaty negotiations, but it is held that under the constitutional provision, "with the advice . . . of the Senate;" it is in the power of that body to initiate treaty negotiations by a resolution expressive of its wishes for executive information and action. It has often occurred that the President has consulted the Senate as to the wisdom of certain negotiations before they have been initiated, or before their conclusion. Under the Constitution, the Senate was made an important factor in the conduct of our foreign affairs, and experience has shown that it was a wise provision on the part of the founders of the government. It makes negotiations cumbersome and uncertain, but it operates as a wholesome check upon the executive, and introduces into treaty-making an element of popular opinion which is not unbecoming in a democratic government.

While the Constitution reserves to Congress the function to declare war, when that act is taken the powers of the President suddenly become greatly enlarged. Lawrence, editor of Wheaton, says of the "war powers" of the executive: "It was during the war of secession that the powers of the President were exercised to an extent unprecedented in English history." Secretary Seward, in a note to the British minister, in October, 1861, used this language. "It seems necessary to

state, for the information of that government, that Congress is by the Constitution invested with no executive power or responsibility whatever, but, on the contrary, the President of the United States is, by the Constitution and laws, invested with the whole executive power of the government, and charged with the supreme direction of all municipal and ministerial civil agents, as well as of the whole land and naval forces of the United States, and that, invested with these ample powers, he is charged by the Constitution and laws with the absolute duty of suppressing insurrections, as well as of preventing and repelling invasion, and that for these purposes he constitutionally exercises the right of suspending the writ of habeas corpus whenever and wherever and in whatsoever extent the public safety, endangered by treason or invasion in arms, in his judgment requires."[1]

Mr. Bryce, the author of that admirable work, "The American Commonwealth," in speaking of the presidential power, says that in war time "it expands with portentous speed. Both as commander-in-chief of the army and navy, and as charged with the 'faithful execution of the laws,' the President is likely to be led to assume all the powers which the emergency requires."[2]

John Quincy Adams, in his discourse on "The Jubilee of the Constitution," says: "It has perhaps never been duly remarked that, under the Constitution of the United States, the powers of the executive department, explicitly and emphatically concentrated in one person, are vastly more extensive and complicated than those

[1] Dip. Cor. U. S. 1861, p. 171. [2] 1 American Commonwealth, 50.

of the legislative. The language of the instrument in conferring authority is, '*All* legislative power, *herein granted*, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.' But the executive authority is unreserved in terms, — '*The* executive power shall be vested in a President of the United States of America.'"

In the Constitutional Convention there was a numerous and influential party strongly opposed to giving the President the large powers finally conferred upon him, and the "Committee on Detail" provided, in the first instance, that the Senate should possess the exclusive power to make treaties and appoint ambassadors, thus reserving to one branch of the legislative department these most important international functions. In defense of the ultimate action of the Convention in clothing the President with the large powers which he now possesses, Hamilton wrote at considerable length, from which I extract the following: —

"There is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers of this species of government must at least hope that the supposition is destitute of foundation; since they can never admit its truth, without at the same time admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of pro-

perty against those irregular and high-handed combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man the least conversant in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of dictator, as well against the intrigues of ambitious individuals who aspired to the tyranny, and the seditions of whole classes of the community whose conduct threatened the existence of all government, as against the invasions of external enemies who menaced the conquest and destruction of Rome.

"There can be no need, however, to multiply arguments or examples on this head. A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government illy executed, whatever it may be in theory, must be, in practice, a bad government."[1]

It was the conclusion of the framers of the government that, especially respecting international affairs, involving matters of momentous national dignity and importance, and secret and delicate complications, the President should be intrusted with their sole conduct; and, hence, it was made his duty to appoint and receive ambassadors and ministers (thus making him the organ of communication with other governments), and to initiate negotiations and conclude treaties. At the same time they did not give him the unlimited

[1] Lodge's Federalist, 436.

powers possessed by the king of Great Britain, but conferred very important functions as to foreign affairs upon Congress and the Senate. It was thus made necessary that there should be coöperation and mutual confidence between the President and Congress, in order that the government of the United States should maintain a dignified and proper position before the nations of the world. And the expectations of the makers of the Constitution, as to the patriotic impulses which would inspire their successors, who would have in their hands the government of the country, have not been disappointed. In times of high political excitement, when the legislative and executive departments were not in party harmony, Congress has been tempted to antagonize the President in his foreign policy, but rarely, if ever, has it failed to respond to his call when the honor or the interests of the country were plainly at stake.

The federal organic law having clothed the President with vast powers and great responsibilities as to international as well as domestic relations, it remains for us to examine the manner in which the provisions of the Constitution have been supplemented by congressional legislation and executive action. At the outset, the matter which attracts our notice is that the Constitution makes no express provision for an executive cabinet or council, and in this respect it is a departure from the then existing forms of government, and especially that of Great Britain. A strong effort was made in the Convention to establish such a body, clothed with executive or advisory powers, either to

keep watch over or to act in conjunction with the President. Various projects to this end were brought forward; among others it was proposed that a privy council should be created, to consist of "the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the principal officer in each of five departments, as they shall . . . be established." Another plan was for the Senate to appoint a privy council of six members to hold office for six years, two each to be selected from Southern, Middle, and Eastern States, and one third to retire every second year.[1] One or the other of these plans had the support of such influential delegates as Ellsworth, Gouverneur Morris, Madison, Franklin, Wilson, Mason, and Dickinson.

But all the projects failed, and were substituted by the colorless provision in the Constitution authorizing the President "to require the opinion, in writing, of the principal officer in each of the executive departments." The theory upon which the government was constructed was that what belongs to the executive power is to be exercised by the uncontrolled will of the President. It was argued in the Convention that if a council was created, it would relieve the President of responsibility, and nullify the provision for his impeachment for malfeasance. Cooley, in his Blackstone, says: "The cabinet, as a body of councilors, has no necessary place in our constitutional system, and each President will accord to it such weight and influence in his administration as he shall see fit. The President —

[1] 2 Bancroft's History of Constitution, 188–190.

not the cabinet — is responsible for all the measures of the administration, and whatever is done by one of the heads of departments is considered as done by the President, through the proper executive agent. In this fact consists one important difference between the executive of Great Britain and of the United States; the acts of the former being considered as those of his advisers, who alone are responsible therefor, while the acts of the advisers of the American executive are considered as directed and controlled by him."[1] The failure to provide for an executive council had a decided influence in the adoption of the provisions of the Constitution giving the Senate a share of the control in the making of treaties and in appointments to office.

While, as noted, the Constitution contains no express provision for a cabinet or council, the creation of officials who would bear some such relation to the President is inferentially stated in Article II., which treats of the executive power. It has already been noticed that the President was authorized to require opinions, in writing, of the principal officer in each of the executive departments, and the "heads of department" are referred to in the next clause of the same section. When the first Congress under the Constitution assembled in 1789, one of its first duties was to provide the President with the means and instruments by which to conduct the executive duties of the new government. The experience under the Confederation, as already mentioned, furnished useful information for its guidance. It had been made manifest that an administration by boards would not answer the purpose.

[1] 1 Cooley's Blackstone, 232, note.

Congress turned instinctively to the system followed by the Confederation in its conduct of foreign affairs as the only successful method, to wit, the placing of the departments under a single responsible head. Whereupon Madison introduced in the House a resolution, which was adopted, that in the opinion of the House there ought to be a Department of Foreign Affairs, of War, and of the Treasury, each presided over by an officer appointed by the President, by and with the advice and consent of the Senate, and removable by the President. Thereupon a bill was introduced creating the Department of Foreign Affairs,[1] and its chief features were passed upon with little debate; but a long discussion was occasioned by the provision making the secretary removable from office by the President. The clause was stricken out, not, however, because the majority believed the President did not possess the

[1] 1 U. S. Stat. at Large, 28: "An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs. Section 1. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That there shall be an Executive Department, to be denominated the Department of Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct. . . . Approved July 27, 1789."

power, but because under their construction of the Constitution he already possessed the power, and it would have the appearance of conferring the power by act of Congress if it was retained in the bill.

The act was approved by the President July 27, 1789; but soon thereafter another bill was considered by Congress, entitled "An Act to provide for the Safe-keeping of the Acts, Records, and Seal of the United States, and for other purposes," by the first section of which the name of the Department of Foreign Affairs was changed to the "Department of State," and the head of it to "Secretary of State." The only reason why the change of name should have been made was that the secretary was to become the medium of communication and correspondence of the President with the executives of the several States, although it was not so provided in the act, which became a law September 15, 1789.[1] It was an unwise and misleading change, as the name indicates that the main business of the department was of a domestic character, whereas it is almost wholly international in its functions, and should be termed the Department of Foreign Affairs, as provided in the original law. This action was in the nature of a compromise, as members were urging the establishment of a separate department to be presided over by a Secretary of Home Affairs, and Congress was unwilling to create another department at that time. It is unfortunate that the name should have been changed, as the new duties might have been added without altering the character of the department, and the misnomer

[1] 1 U. S. Stat. at Large, 68.

which has adhered to it for more than a century might have thus been avoided.

The act of July 27, 1789, which was very brief, has stood to this day as the organic law of the department, without any essential modifications so far as foreign relations are concerned, and is a striking proof of the wisdom of the men who framed and enacted it. In the earlier years of the nation other duties were added to it, as will be seen, but most of those have been relegated to other departments, as the growth of the country has called them into existence. The organization of the departments of War, the Treasury, and of Justice was likewise authorized by this Congress at its first session, and the Cabinet, as it has since come to be known, was at first composed of four members, the heads of these respective departments.

It is a matter of interest, but somewhat foreign to the topics we have in hand, to note how, as an extra-constitutional body, it has grown into recognized existence and prominence as a part of the executive branch of the government. It appears that Washington began his administration by observing the practice, apparently marked out in the Constitution, of calling upon the heads of departments for written opinions, but he not infrequently called them together for consultation. The same practice was observed under John Adams; but in Jefferson's time the Cabinet assumed more the definite shape now given to it. There is no obligation resting upon the President under the laws of Congress, as we have seen there is none under the Constitution, to consult or be governed by the opinions of his depart-

ment chiefs. For instance, the act creating the Department of Foreign Affairs (State) provides in express terms that the secretary "shall conduct the business of the department in such manner as the President of the United States shall from time to time order or instruct." It is stated, upon the authority of one of its members, that Mr. Jefferson did not ask the advice of his Cabinet in the most important event of his administration — the purchase of Louisiana; Mr. Lincoln made the final decision respecting his proclamation of emancipation without consulting his Cabinet;[1] and Mr. McKinley is understood to have resolved upon the annexation of Hawaii contrary to the views of his Secretary of State.

Although the head of the State Department is in a certain sense the mere clerk of the President, it has been asserted that his position is of such importance that he is one of six men, who, through constitutional forms, constitute a nearly irresponsible despotism, the other five being the President, the Secretary of the Treasury, the Speaker of the House, and the chairmen of the two important committees of the two houses of Congress.[2] This is an exaggerated figure of speech, but there is no doubt the Secretary of State occupies a position whereby, through his own hasty or intemperate action, or that of his agents abroad, he could involve the country in complications which might seriously jeopardize its interests or its honor, or even embroil it in war. Fortunately, the care with which the

[1] 6 Nicolay and Hay's Lincoln, 405.
[2] Schuyler's American Diplomacy, 4.

office has been filled has not exposed the country to any such peril. Washington called to the place as first secretary Thomas Jefferson, who stood in the first rank of our Revolutionary statesmen. For three successive terms the Secretary of State succeeded to the Presidency. John Quincy Adams and Lincoln appointed their party rivals to the post. The selection of his Secretary of State is the first duty of every newly elected President, and is made with more care than that of any other officer. Six Secretaries of State have been elected President, and in the list appear, besides, the illustrious names of John Marshall, Henry Clay, Daniel Webster, John C. Calhoun, William L. Marcy, Lewis Cass, William H. Seward, and James G. Blaine.

While the Secretary of State cannot, as understood in Europe, be termed the Prime Minister, in a certain sense he is the head of the Cabinet. By law he succeeds to the Presidency on the death or disability of the President and Vice-President; he sits at the right of the President at the Cabinet table, and is given precedence over his colleagues on all occasions of ceremony. The secretary also holds very intimate relations with the President, owing to the important and often delicate character of his duties, and the work of no member of the Cabinet is more closely scrutinized by his chief. Such has been the case since the organization of the government, as will be seen from the following extracts from notes of Secretary Jefferson to President Washington: —

"Mr. Jefferson has the honor of enclosing for the

perusal of the President rough drafts of the letters he supposes proper to send to the court of France on the present occasion. He will have that of waiting on him in person immediately to make any changes in them that the President will be so good as to direct, and to communicate to him the letters just received from Mr. Short [chargé d'affaires to France].

"April 5, 1790, a quarter before one." [1]

And, again: "He sends some letters for the President's perusal, praying him to alter freely anything in them which he thinks may need it."

The duties of the Department of State are not confined exclusively to the business of the foreign relations of the government, and this was much more the case in past years. For a considerable period this department had charge of patents, copyrights, the census, the affairs of the Territories, pardons, and the preparation and publication of the "Official Register," or "Blue Book;" but from time to time these have been transferred to other departments. Among the present duties of the Department of State not directly relating to foreign affairs is that of receiving and publishing the laws of Congress. The acts when engrossed and signed are deposited in this department, and from these certified copies are made when required; and under its supervision they are published. This department likewise acts as the medium of the President's communication and correspondence with the governors of States. The Secretary of State also attests the issuance of all presidential proclamations.

[1] Department of State: Its History and Functions, 65.

The Department of State is made by law the custodian of what is known as "the Great Seal of the United States." Each department and various other branches of the public service have been authorized by law to use a special seal in the course of their business; but the Great Seal is only affixed to the commissions of cabinet, diplomatic, and consular officers, to ceremonious communications from the President to foreign governments, to all treaties and formal agreements of the President with foreign powers, to exequaturs, to warrants of extradition of criminals surrendered to foreign governments, and to the commissions of civil officers appointed by the President not by law authorized to bear some other seal. This seal has been guarded with jealous care, it having been in the charge of a single custodian (who has recently died) for more than forty years. By the provisions of the law of Congress enacted in 1789, it cannot be affixed to any commission or document until the same has been first signed by the President of the United States, nor without the specially signed warrant of the President in each particular case.[1]

One of the effects of the reorganization of the gov-

[1] 1 U. S. Stat. at Large, 68. The following is an extract from the Act of June 20, 1782, of the Continental Congress, establishing the Great Seal: —

"The device for an armorial achievement and reverse of the Great Seal for the United States in Congress assembled, is as follows: —

"*Arms:* Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll, inscribed with this motto, 'E Pluribus Unum.'

"For the *Crest:* — Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and sur-

ernment under the Constitution, clothing the executive with abundant power to enforce its international obligations and to conduct its diplomatic intercourse, was to greatly enlarge the importance and usefulness of the Department of State. But from the beginning up to the present it has been one of the smallest of the departments in its official force, and least expensive in its cost to the government. The force of the department at the time of the adoption of the Constitution was the secretary, the chief clerk, and three subordinates, at a total cost of $6500. During the first Congress the salary of the Secretary of State was fixed at $3500, the chief clerk at $800, and the clerks at not to exceed $500 each. In 1800 the salary of the secretary was in-

rounding thirteen stars, forming a constellation, argent, on an azure field."

(The reverse side is then given, but as it was never cut or used officially, it is omitted here.)

"REMARKS AND EXPLANATIONS.

"The escutcheon is composed of the chief and pale, the two most honorable ordinaries. The pieces, paly, represent the several States all joined in one solid compact entire, supporting a Chief, which unites the whole and represents Congress. The Motto alludes to the Union. The pales in the arms are kept closely united by the chief and the chief depends on that Union and the strength resulting from it for its support, to denote the Confederacy of the United States of America and the preservation of their Union through Congress. The colours of the pales are those used in the flag of the United States of America; White signifies purity and innocence, Red, hardiness and valour, and Blue, the colour of the Chief, signifies vigilance, perseverance, and justice. The Olive branch and arrows denote the power of peace and war, which is exclusively vested in Congress. The Constellation denotes a new State taking its place and rank among other sovereign powers. The Escutcheon is borne on the breast of an American Eagle without any other supporters, to denote that the United States ought to rely on their own virtue." (Secret Journals of Congress, vol. vii. 301.)

creased to $5000, but the total pay roll only amounted to $12,950. In 1830 the clerks had increased to thirteen and the pay roll to $23,650; in 1854 the total force was twenty-five and the pay roll $37,700. The present force of the department, including the secretary and assistants, numbers ninety persons, and the pay roll amounts to $130,000.

The present salary of the Secretary of State is $8000, which is entirely inadequate to meet the necessary expenses of the position. Other Cabinet officers may follow their own pleasure or convenience, in great measure, as to their style of living; but there are certain requirements as to the entertainment of the diplomatic corps, international commissions, and official foreign visitors which the head of the State Department cannot omit without serious injury to his usefulness and the credit of his government. The social demands of the position are such that no public man, not possessed of a private fortune, can afford to accept and continue in the office for any great length of time. The places of honor and influence in a republic should always be open to men of merit and talent, whatever their financial standing. It will be a sad day for the country when its high offices can be filled only by rich men.

Up to 1853 the only assistant which the secretary had, except the clerical force, was a chief clerk, who represented the department in the absence of the secretary. In that year an assistant secretary was authorized by Congress; in 1866 a second assistant secretary was created; and in 1875 a third assistant secretary. The business of the department is dispatched by the assist-

ant secretaries, under the instructions of the secretary, and with the coöperation of the various bureaus into which the clerical force is divided. The secretary, also, has the assistance of a law officer, nominally belonging to the Department of Justice, but permanently attached and denominated the solicitor, to whom are referred questions of law, the large volume of business arising from claims against foreign governments, and the cases of the surrender of criminals to foreign governments under extradition treaties.

A reference to the different bureaus will convey some idea of the character of the business of the department. The chief clerk is the executive officer of the department, has the supervision of the clerks, the distribution among the assistant secretaries and bureaus of the correspondence, receives visitors seeking information, and attends to a great variety of business not specifically assigned.

The Diplomatic Bureau has charge of the conduct of the diplomatic correspondence, both with our missions abroad and with the representatives of foreign governments in Washington. It has, also, the preparation of the credentials of our diplomatic officials, of ceremonious letters to foreign sovereigns, the engrossing of treaties and other formal instruments.

The Consular Bureau is intrusted with the vast and expanding business of the United States consular service. It embraces about 800 officers scattered all over the world; its correspondence, both with consuls and the commercial interests of the United States, is very voluminous, and the variety of its business is great.

The Bureau of Indexes and Archives first receives all correspondence, where it is opened and classified into diplomatic, consular, and miscellaneous business; a careful index of each paper is made, after which the correspondence is sent to the chief clerk for proper distribution and attention. After receiving the necessary attention, all correspondence is returned to the index room, bound and retained as part of the archives of the department.

The Bureau of Accounts has the supervision of money and appropriations to be disbursed under the direction of the Secretary of State, including the salaries and allowances of officers of the diplomatic and consular service, the expenses of international and other commissions, and the adjustment of their accounts. It also has charge of moneys received by the United States from foreign governments in the nature of indemnities and awards of commissions. It attends to the business of issuing passports.

The Bureau of Rolls and the Library embraces two distinct duties. The first has to do with the custody and promulgation of laws, treaties, proclamations, and executive orders. It is also the custodian of the records of international commissions, of the original of the Declaration of Independence, the Articles of Confederation, the Constitution of the United States, of various Revolutionary papers, private and public correspondence of the founders of the government, other historical manuscripts, and valuable presents from foreign governments. The library of the department numbers more than 60,000 volumes, is especially rich

in international law and diplomatic publications, including memoirs of diplomatic personages, biographies and maps. It, in connection with the historical manuscripts, has proven a mine of information for writers on American history and diplomacy.

Other bureaus are those of Foreign Commerce, for the compilation and publication of reports from consuls and others; and of Appointments, having charge of the papers connected with applications and nominations to office.

The Department of State publishes annually one or more volumes, entitled "Foreign Relations of the United States." These contain selections from the correspondence of the department with the diplomatic representatives of the United States abroad and with the foreign representatives resident in Washington, and constitute a fairly consecutive history of our diplomatic affairs. It is not, however, complete, as many documents are withheld because of their confidential character. The department also issues quite a number of publications compiled from the reports of consuls, which are of special value to the business interests of the country.

This department, which has done so much for the nation's prestige, deserves more liberal consideration than it has heretofore received from Congress. More adequate salaries should be allowed the secretary and his assistants, and the clerical force should be increased. It is now located in a building with two other departments, and is thereby restricted in its accommodations and dwarfed in its importance. In many

of the countries of Europe there are attached to the Department of Foreign Affairs elegantly furnished rooms, which are used for the sessions of international commissions, and also for official receptions, dinners, and other entertainments for foreign guests. The Department of State does not have a single room which it can place at the disposal of an international commission, and when such bodies assemble in the capital of the nation upon the invitation of our government, they are assigned to rooms in a hotel or a hired house.

Extravagance and display are not to be encouraged in a democratic government; but the people of this country would heartily approve of the erection of a public building expressly designed for this department, with suitable apartments for the reception and entertainment of international commissions, foreign guests, and other like purposes, as well as for the safe-keeping of, and ready access to, its invaluable historic treasures.

CHAPTER V.

THE ADMINISTRATIONS OF WASHINGTON AND ADAMS.

THE new form of government having been provided by the adoption of the Federal Constitution, the responsible duty of setting the government in motion under it devolved upon George Washington as President. It was natural that he should be summoned to this duty, not because as commander of its forces he had been the chief actor in achieving the independence of the country, but because he was among the first to discern that such a constitution was the only hope for its perpetuity, and by his great personal influence more than that of any other man was the Constitution made a reality. No man ever entered with a higher sense of responsibility upon the task which was to tax his wisdom, patience, and reputation to the utmost. In his inaugural address he said that no event could have filled him with greater anxiety than the notification of his election, and that the magnitude and difficulty of the trust to which the voice of his countrymen called him awakened a distrustful scrutiny into his qualifications; and as his first official act he made "fervent supplications to that Almighty Being who presides in the councils of nations, that his benediction may consecrate to the liberties and happiness of the people of

the United States the government instituted by themselves."[1]

A member of the first Congress, Fisher Ames, of Massachusetts, in describing the inaugural exercises, wrote: "It was a very touching scene, and quite of the solemn kind. His [Washington's] aspect, grave almost to sadness; his modesty, actually shaking; his voice deep, a little tremulous, and so low as to call for close attention; added to the series of objects presented to the mind, and overwhelming it, produced emotions of the most affecting kind upon the members."[2] The French minister reported to his government: "Every one without exception appeared penetrated with veneration for the illustrious chief of the republic. The humblest was proud of the virtues of the man who was to govern him. Tears of joy were seen to flow in the hall of the Senate, at church, and even in the streets, and no sovereign ever reigned more completely in the hearts of his subjects than Washington in the hearts of his fellow-citizens. He had at once the soul, the look, and the figure of a hero."[3]

In organizing the executive departments, Washington called to his Cabinet three of his companions in arms, — Hamilton to the Treasury, Knox to the War portfolio, and Edmund Randolph to be Attorney-General; but the first place was reserved to the distinguished civilian who had borne the prominent part in framing the Declaration of Independence, and had done so

[1] 1 Richardson's Messages of the Presidents, 51.

[2] 1 Fisher Ames's Life and Work, 34.

[3] 2 Bancroft's Constitution of U. S. 363.

much to achieve the independence of the country. Thomas Jefferson, when chosen by the President to be his Secretary of State, was, as we have seen, absent in Paris as minister to France, and pending his return John Jay, who had been made Chief Justice of the Supreme Court, was asked to continue in the conduct of foreign affairs, of which he had had charge during the last years of the Confederation.

Jefferson's residence in Paris led him to form opinions which had an important influence on his later public career. He became an ardent admirer of the French people and an enthusiastic champion of the French Revolution. He came to entertain an intense hatred of the English people and all things connected with them, except their government, the excellence of which he recognized. In a visit to London he was presented to the king and queen, and he reports, "It was impossible for anything to be more ungracious than their notice of Mr. Adams and myself."[1] He adds: "That nation hates us, their ministers hate us, and their king more than all other men."[2] Again he writes: the English "require to be kicked into common good manners." He carried this early formed hatred into his later public life, and seldom omitted an opportunity to show his resentment towards what he termed "the harlot England." But in his old age, after he had been long out of office, he seems to have undergone a change of sentiment. In a letter written to President Monroe in 1823, replying to one from the President about the wisdom of promulgating his famous "Doctrine" against Euro-

[1] 1 Writings of Jefferson (Ford), 89. [2] 4 Ib. 214.

pean intervention, Jefferson wrote: "Great Britain is the nation which can do us the most harm of any one or all on the earth, and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more side by side in the same cause." [1]

His diplomatic service, from 1784 to 1789, covered an important epoch in French history, and he was a most interested spectator of its stirring events. When the Revolution came he was more than a spectator. He went daily to Versailles to listen to the debates of the assembly, was consulted by Lafayette and by the leaders of the Revolution, and rejoiced in the fall of the Bastile. The British ambassador, writing from Paris in 1789, says: "Mr. Jefferson, the American minister at this court, has been a great deal consulted by the principal leaders of the *Tiers Etat;* and I have great reason to think it was owing to his advice that order called itself L'Assemblée Nationale." Although he had strong sympathy for the revolutionary movement, he does not appear to have lost his standing with the court, and was highly esteemed in diplomatic circles. Of him, Daniel Webster said: "No court in Europe had at that time in Paris a representative commanding or enjoying higher regard for political knowledge or for general attainments, than the minister of this then infant republic."

During his residence in Paris, Mr. Jefferson set an example, often followed since, of taking "a handsome

[1] 10 Ib. 277.

house . . . of considerable magnificence," and he lived in such style that after spending his salary, "with all the aid he could get from his private fortune, he was hard pressed to meet his expenses." He wrote to his friends in Congress suggesting that an effort be made to increase his salary, but no relief came from that quarter, and it is understood that his later bankruptcy dates its origin to his life in Paris. It has been seen that John Adams found the allowances of Congress were utterly inadequate to meet his expenses in London, and such has been the complaint of our representatives at the leading capitals of Europe from that day to the present. The parsimony of Congress has operated to keep men of merit without large private means from accepting diplomatic positions. Mr. Calhoun, for instance, was offered by John Quincy Adams the mission to France, and by President Polk the mission to England, but he declined both, saying he was well aware that a long and familiar practical acquaintance with Europe was indispensable to complete the education of an American statesman, and regretted that his fortune would not bear the cost of it.

Jefferson's absence in Europe had made him a greater admirer than ever of his own country. He wrote to Monroe, advising him to visit France, because "it will make you adore your own country, its soil, its climate, its equality, liberty, laws, people, and manners."[1] He predicted the emigration from Europe which our country has enjoyed ever since his day. "No man now living," he said, "will ever see an instance of an American re-

[1] 4 Writings of Jefferson (Ford), 59.

moving to settle in Europe and continuing there. . . . The comparison of our governments with those of Europe is like a comparison of Heaven and Hell. England, like the earth, may be allowed to take the intermediate station."

The choice of Jefferson to be the head of the first Cabinet seemed to be most fitting; but it proved to be an unfortunate selection. In his early public career he had been brought into antagonism with the established order of society in his own State, had taken the lead in breaking down class legislation, had early secured religious freedom, and from his philosophic turn of mind had formed quite radical views of social polity. His residence in Paris during the stormy times which upturned the ancient order of things and ushered in the Revolution, had strengthened his radical tendencies. He was absent from the country during the sessions of the Constitutional Convention and the fierce discussion which preceded its adoption, but in his correspondence he made severe criticisms on various of its provisions. He has been described by one of his partisans as neither an advocate nor an opponent of the Constitution, but as one who "looked upon that instrument rather as an experiment than an achievement."[1] His first impression upon receipt of a copy of the Constitution was decidedly unfavorable. In a letter to John Adams in London he writes: "How do you like our new Constitution? I confess there are things in it which stagger my disposition to subscribe to what such an assembly has proposed. . . . Indeed, I think all the good of

[1] Trescot's American Diplomatic History, 64.

this new Constitution might have been couched in three or four new articles to be added to the good, old, and venerable fabric [the Articles of Confederation], which should have been preserved even as a religious relique."[1] On the same date, November 13, 1787, he wrote a remarkable letter to a friend who had sent him a copy, in which he refers to Shays' rebellion, which had a decided influence in favor of the adoption of the Constitution. He says the convention was too much impressed by this insurrection: "God forbid we should ever be twenty years without such a rebellion. . . . We have had thirteen States independent for eleven years. There has been one rebellion. That comes to one rebellion in a century and a half for each State. What country ever existed a century and a half without a rebellion? . . . What signifies a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure;" and he refers to the Constitution as "a kite set up to keep the hen-yard in order."[2]

Such language smacks of the period in Paris when the guillotine was in active operation; but a month later he wrote to Madison in a more moderate tone, and rested his objection to the Constitution on two points. The first was the omission of a bill of rights, and the second, the failure to provide for rotation in office, and especially the absence of a prohibition against the reëlection of the President. He was not sure whether it was better to adopt the Constitution and trust to procuring its amendment, or to have it re-

[1] 2 Dip. Cor. 1783–1789, p. 114.

[2] 2 Ib. 116.

jected, hold another convention, and frame one free from objection. He confessed he "was not a friend to a very energetic government. It is always oppressive."[1] The opponents of the Constitution in Virginia classed him as of their party; but as the discussion went on in the States, he came to feel that it was better to ratify the Constitution, and seek for its amendment afterwards, which was the course adopted by the less radical of the opposition, and made the new government a certainty. It has been a matter of conjecture by writers on the Constitution, what might have been its character if a man of such radical views and great personal influence as Jefferson had been a member of the convention which framed it.

From the foregoing review and from a study of his earlier life, it may readily be seen that when Mr. Jefferson was called to the post of Secretary of State, his views and theories were not entirely in harmony with the more sedate character of Washington, and more especially with the conservative tendencies of Hamilton; and the situation of our relations with France and England, which developed soon after the new government was organized, brought into marked contrast the divergent ideas of the two men who became the leaders of the great parties into which the country was early divided.

Some reference to the relations of the Secretary of State with the President and his associates in Cabinet, although somewhat a departure from the topic I have in hand, may not be out of place, especially as illus-

[1] 2 Ib. 121.

trating the state of politics of that day and having an important influence on our foreign relations. Jefferson was not only one of the first statesmen our country has produced, but was probably the most astute politician of all our history. He did not scruple to resort to expedients which would hardly be tolerated in this day. His voluminous personal correspondence and the reading of his private notes or "Anas" show that he cannot be regarded as a model of political morality. Hamilton, the Secretary of the Treasury, as the parties began to take shape after the new government was put in operation, became the leader of the Federalists, and Jefferson of the Republicans. Their relations, at first pleasant, soon became strained, and for more than three years they were known to be bitter enemies, though members of the same Cabinet.

Jefferson, in his intercourse with his friends, both in conversation and in correspondence, denounced Hamilton in the most merciless manner. He charged him with being the head of a treasonable conspiracy to overthrow the government and establish a monarchy, styling him "a monarchist . . . bottomed on corruption;" and he repeatedly declared that the majority in Congress were corruptly and directly influenced by Hamilton through his control of the public securities and funds. It was much the practice in those days for public men to write for the press under assumed names. We have seen that the articles which compose "The Federalist" originally appeared under fictitious signatures. John Adams, then Vice-President, was the author of certain political letters styled "Discourses of

Davila." These were mercilessly attacked by Paine in his "Rights of Man," which made its first appearance in the United States with a prefatory letter by Jefferson, a letter which the writer never expected would be published. This brought down upon him the bitter abuse of the Federalists and the religious writers, among whom was John Quincy Adams under the *nom de plume* of "Publicola." Jefferson felt impelled to write Vice-President Adams a letter of explanation, deprecating any quarrel, and speaking with especial animosity and contempt of the mischief-maker "Publicola," the Vice-President's son.

The quarrel between Hamilton and Jefferson had its culmination over the conduct of one Freneau, who had been given a clerkship in the Department of State, and who published a bitter partisan newspaper, full of scurrilous abuse of Hamilton, and even referring to President Washington in most disrespectful terms. Finally Hamilton became so exasperated that he wrote a series of articles under the guise of "An American" (but the authorship was illy concealed), in which he bitterly attacked Jefferson for retaining in his department the publisher of a newspaper daily engaged in defaming the President, and attacking the policy of and abusing a colleague. The controversy became so bitter that President Washington sought to allay it by writing each of them a personal letter, appealing to their patriotism and begging for concord.[1] Hamilton replied with much feeling, but in a dignified manner.[2]

[1] 12 Writings of Washington (Ford), 174.

[2] 4 Hamilton's Works, 303.

Jefferson answered the President in a much more lengthy letter, defending his conduct and repeating his charges of corruption, conspiracy, and treason which he had so often made before.[1] I quote only one or two sentences: "I have never inquired what number of sons, relatives, and friends of Senators, Representatives and printers, or other useful partisans, Colonel Hamilton has provided for among the hundred clerks of his department, the thousand excisemen at his nod, and spread over the Union; nor could ever have imagined that the man who has the shuffling of millions backwards and forwards from paper into money, and money into paper, from Europe to America, and America to Europe; the dealing out of Treasury secrets among his friends in what shape and measure he pleases; and who never slips an occasion of making friends with his means, — that such an one, I say, would have brought forward a charge against me for having appointed the poet, Freneau, a translating clerk to my office with a salary of two hundred and fifty dollars a year." He added, referring to Hamilton's career, that "from the moment history could stoop to notice him, it was a tissue of machinations against the liberty of a country which had not only received and fed him, but heaped its honors on his head."

Such a letter as this would hardly be tolerated in our time in a politician of any standing, much less a member of the Cabinet; and yet Jefferson continued to hold the post of Secretary of State for more than a year after it was written.

[1] 6 Writings of Jefferson, 101.

Knox, Secretary of War, always sided with Hamilton. Of Randolph, the Attorney-General, a fellow-Virginian, Jefferson said: "He always contrives to agree in principle with me, but in conclusion with the other [Hamilton]. . . . He generally gives his principles to the one party, and his practice to the other; the oyster to one, the shell to the other."[1] Or, as he expressed it on another occasion, referring to the Cabinet councils, "Our votes were generally two-and-a-half against one-and-a-half."

Freneau, the clerk of the Department of State alluded to, was a noted character of that stormy political period. He had a varied experience; was well educated and possessed quite a reputation as a poet; made several voyages as a sea captain; but finally settled down as an editor. With letters from James Madison, his old college friend, and other prominent Virginians, he secured an appointment from Secretary Jefferson as clerk in the Department of State, and became the editor of a newspaper which was an organ of Jefferson's party. His bitter personal abuse was quite irritating to the President, as will be seen from the following extracts from the notes of Jefferson which he afterwards published. At a Cabinet meeting Washington observed: "That *rascal Freneau* sent him three copies of his papers every day, as if he thought he would become the distributer of his papers; that he could see in this nothing but an impudent design to insult him; he ended in this high tone."[2] Again, on another day: "He

[1] 6 Writings of Jefferson, 251.

[2] 1 Writings of Jefferson, 254.

adverted to a piece in Freneau's paper of yesterday; he said he despised all their attacks on him personally. . . . He was evidently sore and warm, and I took his intention to be, that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it."[1]

When this vilification was going on Freneau made oath that none of the abusive articles were written by Jefferson; but later in life he recanted this oath, and said that Jefferson wrote or dictated them, and showed a file of his paper with the articles marked which he said were those of the Secretary of State. His declarations are hardly worthy of credence, but it was such a man that was retained in office by a member of the Cabinet while daily pouring out abuse upon the President.

In establishing the foreign relations on a permanent basis, adjusting them to the new federal government, and meeting and disposing of the questions which had been transmitted from the Confederation, and the new ones which were constantly arising, the Secretary of State found much to occupy his attention, aside from the domestic and party questions in which he was an interested participant. His dispatches are valuable, not only because they laid the foundation of American diplomacy, but because they are his own composition, the work of the department in those days not being, as now, divided among the assistant secretaries.

The first subject relating to foreign affairs which called for the action of the Senate during the first

[1] Writings of Jefferson, 231.

Congress under the Constitution was a consideration of the consular treaty with France, which Mr. Jefferson, as minister in Paris, had negotiated. The first consular convention had been signed by Dr. Franklin in 1784, but it had been disapproved by the Continental Congress, and Mr. Jefferson had been instructed to negotiate one free from its objectionable features. This he had done in 1788, and in the first year of the new government it came before the Senate for ratification. Mr. Jay, still acting as Secretary of State, advised its approval, though not yet free from objection, and the Senate gave its advice and consent to its ratification. And thus began the participation of the Senate in the long series of treaty negotiations of the government.

One of the earliest effects of the adoption of the Constitution was seen in the rapid improvement of the public credit. In September, 1789, Mr. Jefferson reported from Paris to Secretary Jay that the credit of the United States at Amsterdam, then the money centre of the world, had become the first on that exchange, England at that time not being a borrower; that our bonds had risen to 99, theretofore at 93; that several individuals and companies in France, England, and Holland were then negotiating for large parcels of our debt; and that in the present state of our credit every dollar of the debt would be transferred to Europe in a short time.[1] This was in gratifying contrast to the reports which he and Mr. Adams had been sending from Europe a short time before. Hamilton, in his first statement of the public credit and national debt called

[1] 2 Dip. Cor. (1783–89) 326.

for by Congress, showed that this foreign debt amounted to $11,710,378; that there were arrears of interest to the amount of over a million and a half of dollars; and that several installments of the French loan were already overdue and unpaid. Under his skillful management a sudden change occurred in our financial status; the revenues of the government rapidly increased; and not only were the arrears of interest wiped out, and the future interest promptly met, but the Treasury was enabled to anticipate and pay off the entire indebtedness before it fell due.

No more striking confirmation could be had of the wisdom of a strong federal government under the Constitution. But its healthful influence was not confined to the public credit. Foreign commerce assumed a marvelous expansion; the exports were rapidly increased; shipbuilding was greatly enlarged; not only were American vessels seen in every port in Europe, but a profitable trade was opened with India, China, and Russian America. The ship Columbia, Captain Gray, to whose enterprise we are mainly and primarily indebted for our Pacific possessions by the discovery of the Columbia River, in 1791 made the first voyage of an American vessel around the world. The historian of the period writes: "Already on almost every sea the stars and stripes began to wave."[1]

Such were some of the indications in our foreign relations of the new career which was opening up to the country under the reformed government. To Hamilton, more than any other single individual, is due this

[1] 4 Hildreth's History U. S. 277.

improvement in the public credit and our commerce. We recall the words of Daniel Webster: "The fabled birth of Minerva from the brain of Jove was hardly more sudden or more perfect than that of the financial system of the United States from the conceptions of Alexander Hamilton." This crowning achievement of his short life fixed his place as first in ability of American statesmen of the Revolutionary period, and none of his successors have eclipsed his fame in finance.

The diplomatic service was not fully organized until 1791, when Thomas Pinckney was appointed minister to London, Gouverneur Morris to Paris, and other representatives to the Hague, Lisbon, and Madrid. The arrival of these ministers at their posts found all Europe on the verge of the great war which disturbed the world for the most part of the next generation. The overthrow of the monarchy and the excesses of the French republicans were arraying against them all the powers of the Old World. For a time England held aloof, but in 1793 against her also war was declared by the Directory. These contests led to reprisals, and an almost complete disregard of the rights of neutral commerce. The United States was the great sufferer. France appealed to the States to support her in the war by discharging their obligations under the treaty of alliance of 1778, and Great Britain claimed that if the United States lent material support to France, it would be tantamount to war against her. The sympathies of the American people were strongly in favor of the ally who had so materially aided in their independence. The first impulse of the nation was well expressed by

Gouverneur Morris, who argued for the faithful compliance with the treaty with France, however onerous its terms, in its true intent and meaning. The honest nation, he said, is that which, like the honest man, —

> "Hath to his plighted faith and vow forever firmly stood,
> And tho' it promise to his loss, yet makes that promise good."[1]

But as events rapidly transpired a change of sentiment was wrought in the United States. The bloody excesses of the revolutionists, the execution of the king, who was held in high esteem as our best friend during the war of independence, and the disregard of our commercial neutrality, led to a feeling that the French government of the day had no claim on us as an ally. It was held that the Revolution had destroyed the France with which the treaty of alliance was made, and that under the circumstances there was no obligation resting on us to take part in her aggressive wars. The existing government, on declaring war against Austria, had claimed the right, under the circumstances, of determining for itself what treaties of the old monarchy it would accept and what reject. Excitement ran high in the United States, and the country was divided between the partisans of France and those who believed we should take no part in the conflict.

The Cabinet, sharing the public sentiment, was also divided on the subject. Washington called for the opinion in writing of its members. Hamilton contended that as the war on the part of France was aggressive, and as the government of that country with whom we had made the treaties had been overthrown, we were

[1] 3 Sparks's G. Morris, 264.

not bound by them.[1] Jefferson, an enthusiastic champion of the French revolutionists, took the opposite ground, and held that the treaty was in force and should be observed by us.[2] Hamilton, in order to win the country to his view, published a series of articles under an assumed name. Jefferson wrote Madison informing him that Hamilton was the author of these articles, and begged him to reply. He said: "For God's sake, my dear sir, take up your pen and cut him to pieces in the face of the public. There is nobody who can and will enter the lists with him."[3] Madison, to please his friend, undertook the task, and the two men who had stood together as collaborators of "The Federalist" were now violently assailing each other's views in the press under the assumed names of "Pacificus" and "Helvidius."

The arrival in the country of a minister from the French Directory, in the person of M. Genet, brought the question to an issue. He landed in Charleston, and at once set to work organizing public opinion, enlisting men, equipping vessels, and commissioning privateers, as if the United States had declared itself the ally of France against England. Every remonstrance of Washington's government brought forth a more unreasonable and extravagant reply from the minister, until finally his language and his conduct forced the President to suspend his diplomatic functions, and ask for his recall.

The crisis became so intense that Washington, in the

[1] 4 Hamilton's Works, 362.
[2] 6 Writings of Jefferson, 218. [3] Ib. 338.

face of the divided counsels of his Cabinet, took his resolution to issue a proclamation of neutrality, and the preparation of the document was intrusted to the Attorney-General, Mr. Randolph, who framed a paper which has had a greater influence in moulding international law than any single document of the last hundred years.[1] The paper itself is a simple announcement of the neutral attitude of the United States, and a warning to American citizens to observe it, but its influence is in the significance of the act under the embarrassing circumstances surrounding the government, the strict impartiality of its enforcement, and the resulting legislation of Congress, which became a model for all other nations.

The authorship of the proclamation has been attributed to Mr. Jay, then chief justice, but the claim does not appear to be well founded. Mr. Hamilton wrote to Jay, April 9, 1793, stating that a declaration of neutrality was being considered, and asked him, if he thought it prudent, to prepare a draft of a proclamation. Jay complied with the request April 11, but it was not the one that was issued, being much more voluminous. Jefferson wrote to Madison, June 23, that "the drawing of the instrument was left to E. R." (Randolph), who doubtless had the benefit of Jay's draft.[2]

The proclamation, as indicated, met with strong disapproval from a large party in the United States. Madison expressed his extreme regret at the President's

[1] 1 Richardson's Messages, 156.

[2] 1 Schouler's History U. S. 263; 3 John Jay's Works (Johnston, 1891), 473, 474; 6 Writings of Jefferson, 316.

action, and declared: "The proclamation was, in truth, a most unfortunate error. . . . It will be a millstone, which would sink any other character"[1] (than Washington). Jefferson, in his private correspondence, expressed his disgust at the proclamation, which he characterized as an act of pusillanimity;[2] but it is due to him to say that in his official relations he sustained the principle as a correct policy of government, and his state papers on the subject are a clear and forcible statement of the attitude of the administration.

The power of the President to issue such a proclamation based upon the principles of international law, without any domestic legislation respecting offenses against neutrality, was seriously questioned, and the next year, in 1794, an act[3] was passed defining what were offenses against neutrality and affixing penalties therefor. During the revolt of the Spanish-American colonies so much trouble was occasioned thereby to the United States authorities that the law was carefully revised in 1818,[4] and it has since practically remained unaltered. This law forbids any person to enlist within the United States, to serve against a country at peace with the United States; to fit out or aid in fitting out vessels; or to set on foot, or prepare the means to set on foot, any military expedition against a friendly nation. It, however, does not prohibit the sale and shipment of arms or warlike supplies, this being recognized as a legitimate commercial enterprise, but such

[1] 1 Madison's Works (1865), 584.

[2] 4 Writings of Jefferson, 259.

[3] 1 Statutes at Large, 38.

[4] 3 Ib. 447.

articles become subject to confiscation by the belligerents as contraband of war.

Canning, the British statesman, gave the following testimony to the action of Washington, in Parliament in 1823: "If I wished for a guide in a system of neutrality, I should take that laid down by America in the days of the presidency of Washington and the secretaryship of Jefferson." Hall, one of the latest English writers on international law, says: "The policy of the United States in 1793 constitutes an epoch in the development of the usages of neutrality. . . . It represented by far the most advanced existing opinions as to what the obligations [of neutrality] were. . . . In the main it is identical with the standard of conduct which is now adopted by the community of nations."[1]

The intemperate conduct of the French minister, Genet, had a marked influence in bringing about the decided stand of the government in favor of an impartial neutrality, and in securing for it the support of the country. A more moderate and discreet course on his part would have made it difficult to ignore the treaty of alliance as interpreted by the French republican government. When our government gave notice of the termination of his mission, he turned even upon his friends in America who had favored his cause, and, among others, he charged Jefferson with duplicity, by encouraging his course in private and finally abandoning him officially. He was recalled by his government, and, as meanwhile a new régime had been installed in France, he was denounced by it as a public enemy, and

[1] Hall's International Law, 3d ed. 594.

our government was asked to surrender him, but it declined. He never returned to his native land; he had married a daughter of George Clinton, then governor of New York and afterwards vice-president of the United States; after dismissal from his post as minister he became a naturalized citizen of this country, and died here in 1834.

It is now plain that the neutrality proclamation of the President was a most wise and necessary act — one of the most important in the history of the country, as it was the inauguration of a principle of international law and governmental practice which has won for us the respect of the world and contributed very materially to our national prosperity. But it was adopted against the advice of many of the most prominent and able of our public men, and subjected the President to bitter abuse and calumny. It afforded the State Department clerk, Freneau, a fine opportunity. The President, he said, was fast debauching the country. He was seeking a crown. He was passing himself off as an honest man. Jefferson records that in the Cabinet Secretary Knox spoke of one of those libels. In a moment the face of Washington put on an expression which it was seldom given to his friends to see. "He got into one of those passions when he cannot command himself; ran on much on the personal abuse which had been bestowed on him; and defied any man on earth to produce one single act of his since he had been in the government which was not done on the purest motives; that he had never repented but once the having slipped the moment of resigning his office,

and that was every moment since; that by G—! he had rather be in his grave than in his present situation; that he had rather be on his farm than to be made *Emperor of the world;* and yet they were charging him with wanting to be a king."[1]

Jefferson's position in the Cabinet finally became so inconsistent, and the constant bickerings with his colleagues so embarrassing, that, wearied with the contest, he tendered his resignation in December, 1793, and he was succeeded by Edmund Randolph, whom, as a colleague in the Cabinet, he had so severely criticised.

This action on his part was hastened by the known resolution of the President to bring about a better state of relations with Great Britain. These relations had become so complicated with those of both Great Britain and the United States to France that our negotiations with these courts were made in a great degree dependent upon each other. The two countries, at war with each other, were preying upon American commerce, and seeking to force us into an attitude of hostility to the one or the other. The proclamation of neutrality was an indication to France that we could not become her ally, and it left her rulers in an angry mood. On the other hand, the arbitrary and unfriendly conduct of Great Britain had created in this country the most intense bitterness of feeling. The treaty of peace of 1783 had never been complied with by either side in its exact terms, and new and perplexing questions as to commerce had arisen. The British government had not sent a diplomatic representative to the United

[1] 1 Writings of Jefferson, 491.

States after the treaty of peace. In 1788, when Mr. Adams was about leaving London, he was given to understand that until a national government was established capable of enforcing its obligations, it was useless to send a minister. But no minister was sent to the United States till three years after the Constitution had been adopted, and after he arrived it was found that he had no authority to conclude a treaty.[1] President Washington, thereupon, and contrary to the advice of Jefferson, decided to send a special envoy to London, and in communicating his reasons to the Senate he called attention to the very serious aspect of affairs. "But," he said, "as peace ought to be pursued with unremitting zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, I have thought proper to nominate, and do hereby nominate, John Jay as Envoy Extraordinary of the United States to His Britannic Majesty. My confidence in our minister plenipotentiary in London continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world a solicitude for the friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an envoy will carry with him a full knowledge of the existing temper and sensibility of our country;

[1] The first British minister to the United States was George Hammond, received in October, 1791. He had been secretary to the British commissioner in Paris who negotiated the treaty of peace of 1783, and at the time of his appointment he was secretary of the British legation at Madrid.

and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity."[1]

The appointment of a special envoy, while not infrequent, is always exceptional in its character, and only resorted to under the pressure of urgent necessity. Thomas Pinckney, the accredited minister, a man of high character and ability, in announcing Mr. Jay's arrival in London, wrote the Secretary of State with frankness: "With respect to this gentleman's mission, as it personally concerns me, if I were to say I had no unpleasant feeling on the occasion, I should not be sincere; but the sincerity with which I make this declaration will, I trust, entitle me to credit, when I add that I am convinced of the expediency of adopting any honorable measures which may tend to avert the calamities of war, or, by its failure, cement our union at home."[2] And he concluded with the assurance of all possible assistance to Mr. Jay in his negotiations, and he faithfully kept his word.

Jay's nomination met with much opposition in the Senate, and was publicly denounced as unwise. The fact that as chief justice he might be called to pass upon his own treaty was urged against him; and it was stated that as secretary of state he had conceded the position of Great Britain to be correct as to the unfulfilled articles of the treaty of peace. A storm of disapproval followed the appointment, and it was predicted his mission would end in failure and new humiliation. He had received elaborate instructions from the Secre-

[1] 1 Richardson's Messages, 153.
[2] Trescot's Am. Dip. Hist. 106.

tary of State, but soon after his arrival in London he found that the terms desired by our government could not be obtained, and he was on the point of breaking off negotiations. A more favorable situation, however, developed, and the treaty was agreed upon and signed. When it reached the United States it proved a disappointment even to the supporters of Jay's appointment, as we secured none of the points contended for but the evacuation of the posts which had been held by the British since the war, and a concession as to the West India trade which the Senate rejected as of doubtful value.

The question of its ratification precipitated the most dangerous crisis through which the country has passed up to the Civil War. Of this crisis John Quincy Adams has said, it "brought on the severest trial which the character of Washington and the fortunes of our country have ever passed through. No period of the War of Independence, no other emergency of our history since its close, not even the ordeal of establishing the Constitution . . . has convulsed to its inmost fibres the political associations of the North American people with such excruciating agonies as the consummation and fulfillment of this great national composition of the conflicting rights, interests, and pretensions of this country and Great Britain."

After a heated debate in secret session, the treaty was ratified in the Senate on party lines by the exact two thirds vote required by the Constitution. While it was awaiting the President's approval, a copy of the treaty was furnished to the press by a senator from

Virginia, which unauthorized act was the distinguishing event of his career and saved his name from obscurity. At once the whole country was thrown into a ferment of intense excitement. The partisans of France and the enemies of England swept the land with an overwhelming sentiment against the treaty. Jay was burned in effigy North and South. Hamilton was stoned, and, with blood streaming from his face, was driven from the stand in his own city when he attempted to defend the treaty. A copy of it was burned before the British minister's house with riotous demonstrations. Party spirit never before or since probably ran so high. Nothing but the imperturbable temper of Washington and the hold which he had upon the affections and confidence of the American people kept us from internal strife or war with England.

The President, although not greatly pleased with the treaty, had determined to sign it, when a denouement occurred which hastened his approval and brought about the downfall of the Secretary of State. A vessel carrying dispatches from the French minister in the United States had been captured by a British man-of-war, the dispatches were sent by the London Foreign Office to the British minister in Washington, and one of these documents, seriously implicating Mr. Randolph, was put into the hands of a member of the Cabinet. In this paper the French minister, Fauchet, gave an account to his government of the relations existing between him and the American Secretary of State, and he narrates what he terms "the precious confessions"

of the secretary, which, if true, showed that the latter had been guilty of treachery to his country or to the President, was conspiring with the minister to defeat the treaty, and had made corrupt propositions for the use of French money in the United States.

Although Randolph had been for many years his intimate and trusted friend, the President on reading the dispatch seemed to be satisfied of the former's guilt. As soon as the Cabinet could be assembled a meeting was held, and, Randolph alone dissenting, it was decided that the treaty should be ratified. The act of signing the ratification took place two days after, and when the notification of that act was sent to the British government, and within a week another meeting of the Cabinet was called, and, in the presence of all the members, the President handed Randolph the Fauchet dispatch, asked him first to read it, and then make such explanations as he desired. His explanations were brief, he retired from the meeting, and immediately sent his resignation to the President.

The episode was the subject of much correspondence, publication, and discussion at the time, and it has been revived in recent years. Randolph went out of office a disgraced man, notwithstanding the lengthy "vindication" of his conduct which he published soon after his resignation;[1] but time and investigation have somewhat modified the adverse judgment of his day. After reading his "vindication," Madison wrote: "His greatest enemies will not easily persuade themselves that he was under a corrupt influence of France, and

[1] A Vindication of Mr. Randolph's Resignation, Philadelphia, 1795.

his best friends cannot save him from the self-condemnation of his political career."[1] There is no doubt that the French minister interwove with what he termed Randolph's "confessions" much of his own narrative of the events of that exciting period, and sought to exaggerate the importance of the communication to his own benefit with his government.[2] Randolph's vindication and the contemporary correspondence, however, made it clear that he acted with great indiscretion, and with little less than treachery towards the President and his colleagues. But his conduct must be judged in the light of the time.

A perusal of the biographies and correspondence of the first generation of our national history shows that some advance has been made since that day in political and party ethics. Nothing more fully illustrates this than Mr. Jefferson's life and letters. To one familiar with his acts and correspondence, it does not seem strange that Mr. Randolph, a much weaker man, should be engaged in machinations against his colleagues in the Cabinet, or in seeking to defeat the policy of the administration. And there is some palliation for his relations with the French minister, when it is known that the Secretary of the Treasury was at the same time maintaining with the British minister relations not very dissimilar in character; and when there is strong evidence to believe that only a little later the commander of the American army was in the pay of the Spanish government and a vice-president in

[1] For Fauchet's dispatch, see Randolph's Vindication, 41.

[2] 2 Madison's Works, 74.

communication with diplomats in Washington to dismember the country.

Of the Jay treaty, which created all this excitement and discussion, the best defense ever made of it was by its negotiator, that there was "no reason to believe or conjecture that one more favorable to us was attainable." While the treaty failed to secure most of the objects for which the negotiations were initiated, it proved of immense benefit to the country. So long as British troops remained on our soil, it was not possible to resent the insolent tone of the French Directory or its exacting demands. The treaty removed the danger of a war with England, and left us free to follow up with more independence the negotiations with France. It redounds greatly to the credit of the administration of Washington that it had the wisdom to make the adjustment and the courage to ratify and proclaim it in the face of the strong opposing public sentiment.

While it was a disappointment to the country, it possessed a number of valuable features, and as the first treaty negotiated under the new government it marked a distinct advance in international practice. It sought, as far as the British system of that day would permit, to establish reciprocal conditions of trade; it contained our first treaty provision for the extradition of criminals; it sought to ameliorate the harshness of war and make more clear neutral rights; and it provided for the settlement of certain differences by arbitration, one of the results of which was that American merchants and shipowners received $6,000,000 for damages suffered at the hands of British officials.

An incident connected with the treaty has a curious interest in this day. By the rejected article twelve, commercial intercourse with the British West Indies was to be permitted under certain conditions, one of which was that Americans were forbidden to carry, among other products, cotton to any part of the world except from those islands to the United States. Mr. Jay seemed to have been ignorant of the fact that cotton was then beginning to be a product of the Southern States, but his want of knowledge is not to be wondered at when a member from South Carolina in the First Congress observed that the people of the Southern States were contemplating the cultivation of cotton, "and if good seed could be procured, he believed they might succeed."

The year before this treaty was signed an important event occurred destined to have an important and far-reaching influence on the United States. This was the invention by Eli Whitney of the cotton-gin. The excessive labor required to separate the cotton fibre from the seed had made it an unprofitable product, but this difficulty overcome and the great manufacturing development in England having largely increased the demand, cotton soon became the most profitable crop of the Southern States. The importation of slaves was soon by law to come to an end, and the public men of most of the States were looking forward to the ultimate extinction of the institution. But the conditions noticed gradually changed the situation. Before a generation was passed "cotton was king;" breeding of slaves was profitable in the middle Southern States; and the in-

stitution of slavery became so fixed that only a terrible civil war could destroy it, and restore the nation to the path marked out for it by its founders.[1]

The Jay treaty, as amended by the Senate, was accepted by Great Britain, and proclaimed by the President as the law of the land, and then communicated to Congress. This led to a resolution offered in the House requesting the President to communicate to it his instructions to Jay, and the correspondence and other documents connected with the negotiations, and it precipitated a lengthy debate. Under the treaty it became necessary for Congress to make an appropriation to carry certain of its provisions into effect, but the debate, in its first stage, turned upon the right of the House to call for such papers, and, upon inquiry, the mover of the resolution stated that it was his firm

[1] In the early years of our history, as we have seen, the Patent Office was attached to the Department of State, and Mr. Whitney accordingly filed his application in that department for a patent. Mr. Jefferson, Secretary of State, in acknowledging its receipt and asking for some further details required by the rules, inserted in his letter such personal interest in the invention that, in the light of our subsequent history, it is worthy of reproduction. He wrote: "As the State of Virginia, of which I am, carries on manufactures of cotton to a great extent, as I also do myself, and as one of our greatest embarrassments is the cleaning of the cotton of the seed, I feel a considerable interest in the success of your invention, for family use. Permit me therefore to ask information from you on these points. Has the machine been thoroughly tried in the ginning of cotton, or is it as yet but a machine of theory? What quantity of cotton has it cleaned on an average of several days, and worked by hand, and by how many hands? What will be the cost of one of them made to be worked by hand? Favorable answers to these questions would induce me to engage one of them to be forwarded to Richmond for me." Mr. Jefferson to Eli Whitney, Nov. 16, 1793. 6 Writings of Jefferson, 448.

conviction that the House was vested with a discretionary power whether or not to carry a treaty into effect; and to this question the debate in the first instance was addressed.

After a very animated discussion continuing three weeks, the resolution was carried and transmitted to the President. He sent a message to the House declining to comply with the resolution, in which he stated his conviction that the assent of the House was not necessary to the validity of a treaty.[1] This subject was renewed upon a motion for an appropriation to execute the treaty, and upon this another long discussion occurred upon the merits of the treaty. The debate occasioned intense interest and anxiety in the country, as the fate of the treaty and the peace of the nation seemed still to rest, not upon the ratification of the Senate and the proclamation of the President, but upon the ultimate action of the House. Of this debate Chief Justice Marshall wrote: "At no time perhaps had the members of the national legislature been stimulated to great exertions by stronger feelings than impelled them on this occasion. Never had a greater display been made of argument, of eloquence, and of passion."[2] The leading speech on the Republican side, claiming the right of the House to pass upon a treaty, was made by Albert Gallatin, which Jefferson said was worthy of being included in "The Federalist."[3]

[1] 1 Richardson's Messages, 194.

[2] 2 Marshall's Washington (1848), 383.

[3] 7 Writings of Jefferson, 68.

For report of debates on the Jay Treaty, see Annals of Congress, 4th Congress, 1st Session.

The debate was closed for the Federalists, who supported the President, by Fisher Ames, a man of great oratorical powers. The Vice-President, John Adams, in a letter to his wife, reports the impression made on him and his companion, one of the justices of the Supreme Court: "Judge Iredell and I happened to sit together. Our feelings beat in unison. 'My God! how great he is,' says Iredell. . . . 'Noble!' said I. After some time, Iredell broke out, 'Bless my stars! I never heard anything so great since I was born.' 'Divine!' said I; and thus we went on with our interjections, not to say tears, to the end."

The opposition were not content to have the vote taken after such a speech, and an adjournment was had, but the necessary appropriation was made, by the close vote, however, of 51 to 48. For the time the question was settled, but it has several times arisen in Congress in later years, as we shall see in succeeding chapters. Mr. Jefferson, when Secretary of State, had given an opinion to the President that a treaty, without any further action of Congress, operated to modify duties on imports, as the supreme law of the land. But on the present question he reversed this opinion, and held, with his party friends, that when a treaty "included matter confided by the Constitution to the three branches of the legislature, an act of legislation will be requisite to confirm these articles; that the House of Representatives, as one branch of the legislature, is perfectly free to pass the act or refuse it."[1] In a very intemperate letter to Madison during the

[1] 7 Writings of Jefferson, 67.

debate, he said he could not see "much harm in annihilating the whole treaty-making power, except as to making peace;" and, expressing his strong condemnation of the conduct of President Washington respecting the treaty, he adds: "I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'Curse on his virtues, they have undone his country.'"[1]

Jefferson held the pen of a ready writer, and his multifarious correspondence not infrequently brought him into trouble. A private letter written during the heat of the debate on the Jay treaty to an Italian friend, Mazzei,[2] found its way, unexpectedly to its author, into the press, like the letter to Paine, and caused him abundant embarrassment. It went through various transformations of a translation for an Italian newspaper, was reproduced in French in the Paris Official Journal, and, translated from the French, it appeared in an opposition newspaper in New York in 1797, by which it was denounced as treasonable and damnable, and the Vice-President was called upon to pronounce upon its authenticity. The letter mainly related to private affairs, but concluded with a violently partisan and gloomy review of the condition of the country, charging the executive, the Senate, and the judiciary with aristocratic and monarchical tendencies and as wholly under British influence. The following sentence will indicate the spirit of the epistle: "It would give you a fever were I to name to you the apostates who have gone over to these heresies; men

[1] 7 Writings of Jefferson, 68. [2] Ib. 72.

who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England."

Although challenged to declare whether he was the author of the letter, Jefferson held his peace. Writing to Madison, he gave as a reason for his silence that if he made any statement he feared it would bring about a personal difference with Washington.[1] It is said, however, that it did cause a breach between them that was never healed. In his old age the story was revived by Timothy Pickering, and Jefferson, in a letter to Van Buren in 1824, denied it;[2] but the latest and most careful editor of his correspondence says his denial is disingenuous and not sustained by the facts. In a note to the Mazzei letter, Mr. Ford, the editor, says: "Washington himself took the reference so wholly to himself that from the publication of this letter he ceased all correspondence and intercourse with his former secretary.[3] In a letter written a few months after the publication of the Italian epistle, Washington plainly indicated to John Nicholas his belief in the insincerity of Jefferson's friendship.[4]

Randolph was succeeded in the State Department by Timothy Pickering, who was transferred from the War Department, and he was continued as Secretary of State by President Adams upon the retirement of Washington. Pickering passed through an experience as tumultuous politically and unfortunate personally as his predecessor. The Jay treaty saved us from war

[1] 7 Writings of Jefferson, 166. [2] 10 Ib. 307. [3] 7 Ib. 77.
[4] 13 Writings of Washington, 449.

with England, but we were confronted with an equally threatening danger from France. Gouverneur Morris had become a *persona non grata* to the French government, and his recall had been requested. Soon after Jay's nomination to London, the name of James Monroe was sent to the Senate as minister to France. This selection proved to be even more unfortunate than that of Jay. At the time he was a senator from Virginia, and a strong opponent of the President and his foreign policy, arrayed against the British special mission and the neutrality proclamation. He was known to be an ardent partisan of France, and the President felt that he might exert a more salutary influence on the French government than a person strongly in sympathy with the administration. He was warmly welcomed in Paris, received in public audience by the National Convention, the presiding officer, amid the cheers of the members, giving him the fraternal embrace (*accolade*) and imprinting upon his cheek a kiss in the name of France, with tragic effect. This ceremony was preceded by an address by the President, concluding with these words: "You see here the effusion of soul, that accompanies this simple and touching ceremony. I am impatient to give you the fraternal embrace, which I am ordered to give in the name of the French people. Come and receive it in the name of the American people, and let this spectacle complete the annihilation of an impious coalition of tyrants."[1]

[1] Hildreth's History U. S. 652.

Mr. Washburne, minister to France, in 1876 sent to the Department of State a copy of the Journal of the National Convention giving an account

Mr. Monroe in his reception address failed to follow his instructions, for which he was severely censured by his government. In doing this Secretary Randolph wrote him that it was supposed his reception would have taken place in private and not with the public display attending it; that his instructions did not impose "the extreme glow of some parts of" Monroe's address; and that it was his duty "to cultivate the French Republic with zeal, but without any unnecessary éclat."[1]

During his residence he was more the representative of his party (then in opposition to the administration) than of his government. His public conduct and his correspondence at the time make this clear, but the later writings of the French historians of the period bring out this fact in a clear light. I quote only from M. Thiers. He writes: "In the French government there were persons in favor of a rupture with the United States. Monroe, who was ambassador, gave the Directory the most prudent advice on this occasion. 'War with France,' said he, 'will force the American government to throw itself into the arms of England, and submit to her influence; aristocracy will gain complete control in the United States, and liberty will be compromised. By patiently enduring, on the contrary, the wrongs of the present President, you will leave him without excuse, you will enlighten the Americans, and

of the ceremony of Monroe's reception, for the first time published. Mr. Washburne accompanied it with a statement of his own experience, showing that in his day the *accolade* was a part of the official ceremonies of France. (See Foreign Relations U. S. 1876, 129.)

[1] 1 Foreign Relations U. S. (folio) 689.

decide a contrary choice at the next election. All the wrongs of which France may have to complain will then be repaired.' This wise and provident advice had its effect upon the Directory."[1]

While Jay was in London negotiating his treaty, Monroe did not hesitate to manifest his opposition to it. Our ministers at the two capitals were working at cross-purposes. Monroe's conduct became so displeasing to the government that President Washington recalled him, and has left on record a very severe criticism of his acts, from which I quote the following: "The truth is Mr. Monroe was cajoled, flattered, and made to believe strange things. In return he did, or was disposed to do, whatever was pleasant to that nation, reluctantly urging the rights of his own."[2] Nothing more forcibly illustrates the intensity of party feeling at that day than the injudicious conduct in Paris of Mr. Monroe, a man of large experience, well-balanced temper, and the truest patriotism.

He returned to America indignant at the administration on account of his recall, and immediately on his arrival at Philadelphia he addressed a request, in imperative terms, to the Secretary of State to be informed of the grounds of his removal. This led to a correspondence in which several letters were exchanged between him and Secretary Pickering, the conclusion of which on the part of the latter was that the President, under the Constitution, was invested with full power

[1] 3 Histoire de la Rev. Français, tom. 9, ch. 1, Shobert's translation, p. 189.

[2] 13 Writings of Washington, 484.

over the residence of a minister at a foreign court, which he could terminate at his discretion; and that he was not bound to explain and justify his conduct to the individual removed, which, besides objections of an international character, would expose the executive to perpetual altercations and controversies with the officers removed. The propriety of this rule has been recognized in all the subsequent practice of the Department of State. But in his excited frame of mind it was not accepted by Mr. Monroe, who at once published a voluminous vindication of his conduct in France constituting a volume of over four hundred pages,[1] in which he inserted the correspondence between himself and his government, some of it of a confidential character, and made a bitter attack upon the administration, in which President Washington himself was included.

Aside from the indelicacy and impropriety of the publication, it was most unwise at the time, when our relations with France were in a very critical condition, almost verging on a state of open hostilities. "The View," although it had very little influence on the public, owing to the warm passions prevailing in the parties into which the country was divided, received at the hands of Washington considerable attention, as is evidenced by a long "Memorandum"[2] which he prepared reviewing the publication, and which he left among his papers. In a letter to his friend John Nicholas he wrote: "As to the propriety of exposing to public

[1] A View of the Conduct of the Executive on the Foreign Affairs of the United States, etc. By James Monroe. Philadelphia. 1797.

[2] 13 Writings of Washington, 452.

view his [Monroe's] private instructions and correspondence with his own government, nothing needs be said: for I should suppose that the measure must be reprobated by the well-informed and intelligent of all nations, and not less by his abettors in this country, if they were not blinded by party views, and determined at all hazard to catch at anything, that in their opinion will promote them. The mischievous and dangerous tendency of such a practice is too glaring to require a comment."[1] Charles C. Pinckney was appointed to succeed Monroe, but the French government refused to receive him, treated him with the greatest indignity, and finally ordered him to leave the country.

On the accession of John Adams to the presidency, in 1797, in the earnest desire to avoid a war, he nominated to go to Paris and treat with the French government a special commission consisting of Pinckney, John Marshall, and Elbridge Gerry.[2] Talleyrand was then at the head of the French Foreign Office. He had enjoyed a refuge in the United States, and it was thought would exhibit a friendly disposition; but, true to his character for duplicity, his conduct was the reverse. In place of receiving the commissioners officially, communication was established with them in a clandestine manner, and they were approached with dishonorable and corrupt proposals. The commissioners, with the exception of Gerry, withdrew from Paris, diplomatic relations were broken off, and the correspondence respecting the clandestine negotiations was submitted to Congress by the President. It became known as the

[1] 13 Writings of Washington, 451.

[2] 2 Foreign Relations, 19.

X Y Z correspondence,[1] and led to Pinckney's famous utterance, "Millions for defense, but not one cent for tribute."

The wisdom of Gerry's action was seriously questioned in remaining in Paris after his colleagues, having regard for the honor of their country and their own self-respect, had withdrawn. His defense was that he feared open war would ensue if relations were abruptly and immediately severed, and that he hoped through his personal friendship with Talleyrand to ward off that calamity. He was a member of the Republican party, in opposition to the President and his two colleagues, and a marked partiality had been shown him during the negotiations. His delay in Paris, however, was fruitless; and, after experiencing for some weeks longer the insincerity and double-dealing of Talleyrand, he returned to the United States.

The treatment of the American commissioners created a storm of indignation, and steps were taken to put the country on a war footing. Washington was recalled from Mount Vernon and made commander-in-chief of the army; Congress was convened in extraordinary session; energetic measures were taken in view of the impending hostilities; and for a time at least there seemed to be a truce to the fierce party strife which had prevailed. The storm of patriotism which was awakened is now best remembered as having given birth to our patriotic air and hymn, "Hail Columbia." Among the other poetical appeals of that stirring time was a patriotic ode by a student, sung in Harvard

[1] The correspondence in full will be found in 2 For. Rel. 153–238.

College Chapel. As this student, Joseph Story, afterwards became the great jurist and expounder of the Constitution, I quote one of its verses as a specimen of the poetic patriotism of the period: —

"Shall Gallia's clan our coast invade,
With hellish outrage scourge the main,
Insult our nation's neutral trade,
And we not dare our rights maintain?
Rise, united Harvard's band,
Rise, the bulwark of our land."

President Adams declared in a message to Congress, "I will never send another minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation."[1] The French government having no disposition, in the face of its European troubles, to push the controversy to the extreme of war, presently gave assurance to the American minister at the Hague that an envoy or commission would be officially and properly received; whereupon President Adams nominated a new minister to France, but immediately afterwards, upon the advice of senators, this was superseded by the nomination of three commissioners, Oliver Ellsworth, William Vans Murray, and W. R. Davie. In view of the President's declaration and of the strong and prevailing sentiment in favor of war, this action was received throughout the country with great surprise, and was condemned by much the larger body of the Federalists.

The President did not take the advice of his Cabinet because he was satisfied they would oppose it, and he

[1] 1 Richardson's Messages, 266.

assumed the entire responsibility for the step. Washington, who was busily engaged in putting the army on a war footing, received his first information of it from McHenry, Secretary of War, who was secretly hostile to the President, and from Hamilton, openly his opponent. To the one he writes: "With the contents [of your letter] I have been struck dumb;" and to the other: "I was surprised at the measure; how much more so at the manner of it."[1] The act caused a breach in the Federalist party, which constantly widened till the close of the administration, when it went out of power forever. Adams believed he was right, and he was not of the stuff that would allow party expediency or personal popularity to stand in the way of the interests of the country.

The sequel proved that the President's course, if not consistent, was timely. Writing in 1809, he said it was the most disinterested, the most determined, prudent, and successful act of his whole life. The commissioners, upon their arrival in Paris, found a new government in power with Napoleon at its head. They were promptly received, and after tedious negotiations a treaty was signed September 30, 1800, the effect of which, with its amendment by the Senate and Napoleon, was to release the United States forever from the obligations of the treaty of alliance of 1778, and to release France from responsibility for all the damage inflicted upon American vessels and commerce. Like the Jay treaty with England, it was a disappointment to the country, but it delivered us from the dangers of a war,

[1] 14 Writings of Washington, 215, 216.

and settled our long, vexatious, and somewhat unseemly controversy with our old ally and friend. One of its evil effects upon a large body of American citizens was the sacrifice of what are known as the "spoliation claims" in exchange for release from the treaty of alliance. After a hundred years of persistent appeals to Congress, the grandchildren of these honest and long-suffering claimants are only just at the close of a century receiving their just dues.

Happily the war was averted, but it left the dominant party, the Federalists, hopelessly divided, and the President and his Cabinet at cross-purposes with each other. The enthusiasm with which the country supported the war policy of the President had resulted in a large majority for the administration in both houses of Congress, but the internal dissensions of the Federalists soon dissipated that advantage. Pickering and his colleagues were the devoted friends of Hamilton, who had become the bitter opponent of the President. The Cabinet ministers were in secret communication with Hamilton, and kept him informed of the Cabinet counsels. Gradually the President became impressed with their unfaithfulness. After an open and unbecoming quarrel with his Secretary of War, the President asked him to resign, which he did promptly. This was soon followed by a rupture with Pickering, and he was likewise requested to tender his resignation, but he stubbornly refused; whereupon the President sent him a letter by which he was "discharged from any further service as Secretary of State."[1] Mr. Pickering

[1] The letter discharging Secretary Pickering is as follows (3 Life of Pickering, 448): —

enjoys the distinction of being the only one who was dismissed from this high office, but he does not appear to have suffered greatly therefrom, as he was twice thereafter elected a United States senator, and held other honorable positions.

During the remainder of the term of President Adams the duties of the department were discharged by John Marshall, whose brief services as secretary were overshadowed by his greater fame as chief justice. An anecdote is told of Marshall as secretary, which is interesting because of his later dignified career and as illustrative of the state of politics of the period. After the defeat of Adams and within a month of his retirement, the expiring Congress, with a Federal majority in both Houses, passed a law creating a considerable number of new judicial districts. This necessitated the appointment of quite a number of new federal judges, whose nominations were only confirmed by the Senate in the last days of the session.

SIR: Divers causes and considerations essential to the administration of the government, in my judgment requiring a change in the Department of State, you are hereby discharged from any further service as Secretary of State. JOHN ADAMS,

President of the United States.

TIMOTHY PICKERING, ESQ., May 12, 1800.

Eight years afterwards Pickering and John Quincy Adams being engaged in political opposition in Massachusetts, the ex-President felt impelled, in a private letter, to recall his impressions of his dismissed secretary, from which I quote: "He is a man in a mask, sometimes of silk, sometimes of iron, and sometimes of brass, and he can change them very suddenly, and with some dexterity. . . . Under the simple appearance of a bald head and straight hair, and under profession of profound Republicanism, he conceals an ardent ambition, envious of every superior and impatient of obscurity."

It is related that Secretary Marshall was engaged at the department during the late hours of the night of March 3, countersigning and affixing the Great Seal to the commissions of these judges, who were all hostile politically to Mr. Jefferson, the incoming President, and of whose appointment he strongly disapproved. Just before twelve Mr. Levi Lincoln, selected to be Attorney-General, entered the department, and said to the secretary: "I have been ordered by Mr. Jefferson to take possession of this office and its papers." "Why, Mr. Jefferson has not yet qualified," exclaimed the secretary. "Mr. Jefferson considers himself in the light of an executor, bound to take charge of the papers of the government until he is duly qualified," was the reply. "But it is not yet twelve," said the secretary, taking out his watch. Lincoln pulled out his, received from Jefferson, and said: "This is the President's watch, and rules the hour." The secretary retired, leaving the unfinished commissions on the table. In later years, alluding to the incident, he used to laugh and say he had been allowed to pick up nothing but his hat.

The persons who received the perfected commissions, of which there were a number, were called "the midnight judges;" but the next Congress legislated them out of office.[1] President Jefferson, four years later, in a letter to Mrs. Adams, shows how strongly he resented these appointments, citing the act as one personally unkind to him, and the only one which had ever tended to interfere with his long friendship with her husband.[2]

[1] Domestic Life of Jefferson, 308; 1 Schouler's History U. S. 504.

[2] 8 Writings of Jefferson, 306.

This letter led to an extended correspondence, quite interesting, but not pertinent to the subject in hand.

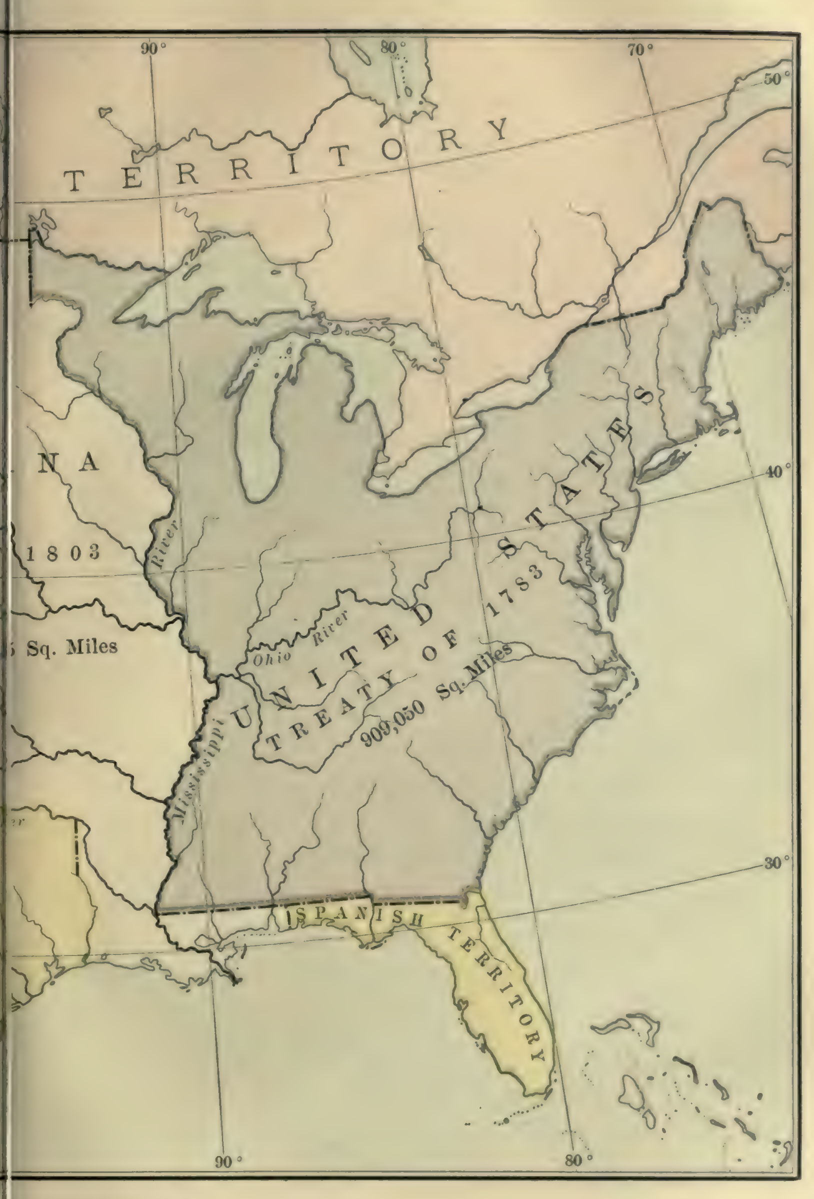
Marshall had, some months previous to the close of his service as Secretary of State, been appointed and confirmed Chief Justice of the Supreme Court of the United States, and he immediately entered upon his duties in the latter office. In the opinion of many of the early supporters of the Constitution, and among them was Hamilton, that instrument was placed in great peril by the success of the party which had called Jefferson to the presidency. The new Chief Justice took his seat at what seemed to be a critical period for constitutional government. His first entrance upon political life was in the memorable convention of Virginia called to decide upon the acceptance of the new federal Constitution, in which he is described as a tall, gawky, bright-eyed, and rising member of the Richmond bar. In that body he rendered important service in favor of acceptance; later, as a member of Congress, he had been its valiant defender; and President Adams recognized in him a worthy successor of Jay and Ellsworth. Probably the most unique feature of the Constitution, and that which distinguishes it from other formulas of government, is the power and the duty which it imposes upon the federal judiciary, of interpreting that instrument, and of harmonizing with it the acts of the executive and legislative departments. It was this task which engaged the attention of John Marshall for the long period of a generation, and it is no exaggeration of his services to say that they entitle him to a foremost place among the founders of our gov-

ernment. To him more than any other is due the fact that this court stands before the world as the most distinguished and influential tribunal of Christendom.

The administrations of Washington and Adams were an important epoch in our diplomatic history. By patient and prudent negotiations they saved the country in its infancy and weakness from the perils of war with the two most powerful nations of the world; they established the great principle of real neutrality on such a just basis that it has been accepted as the international rule of practice of all governments; and they vindicated the perfect independence of the nation in its relations with the Old World.



THE LOUISIAN



PURCHASE, 1803

CHAPTER VI.

THE ADMINISTRATION OF JEFFERSON.

The election of Thomas Jefferson as President ushered the country into a new political era, wherein it was claimed the principles of a free democracy were to enjoy their fullest fruition. Adams had lost his reëlection partly because, in his earnest desire for peace, he went further than the heated patriotism of the masses would approve towards an adjustment with England and a composition of our differences with France. Coupled with this was the unpopularity of his two legislative measures occasioned by these troubles, the alien and sedition laws. "Free speech" and "a free press" were among the most taking of Jefferson's party cries, based upon hostility to these acts. With the overthrow of the Federalists, the enforcement of the Constitution went into the hands of those who in minority had given it a construction which would return to plague them both in foreign and domestic affairs when burdened with the responsibilities of government.

Mr. Jefferson selected as Secretary of State his faithful friend and champion, James Madison, who had won distinction, not in the diplomatic service, of which he possessed no experience, but since the war in the important field of reconstruction of the government. We have seen that he bore a conspicuous part with Hamil-

ton in framing and afterwards in defending the Constitution. During the past twelve years since that instrument had been the guide and rule of government, he had been an active member of Congress, but in the opposition, and usually in the minority. His taste and training fitted him best for service in deliberative assemblies, and it was in such bodies his life had been spent up to the date of his call to the Department of State. Fisher Ames, who was associated with him in Congress, in a private letter freely discussed his qualities and temperament during the First Congress. He writes that he is a man of sense, reading, address, and integrity; in person he is low and ordinary; he speaks low, decently as to manner, no more; his language is very pure, perspicuous, and to the point; much Frenchified in his politics; a little too much of a book politician; has a most exalted estimate of Virginia; is timid in politics, and very sensitive as to his popularity. He concludes: "He is our first man."[1] Chief Justice Marshall said that if eloquence includes persuasion by convincing, Madison was the most eloquent man he ever heard.[2]

During all his political life he had been the warm friend and devoted follower of Mr. Jefferson, and because of this relation and of Jefferson's impressive personality and his disposition to rule, Madison's services as Secretary of State assumed quite a secondary character. It is said of Jefferson that he was more absolute as President than any other man who ever held that position; that while he listened to counsel, taking

[1] Ames's Life and Works, 35. [2] Rives's Madison, 612.

it was another matter; and that he was the author of the important measures of his administration. With a chief of such a temperament, the head of the Department of State had little opportunity to attain personal distinction. While his papers as secretary show the marks of his scholarly attainments, Madison's reputation rests not upon his administrative work, either as secretary or president, but upon his great services as a legislator, especially in the formation of the federal Constitution and his defense of its principles.

On Jefferson's advent to power he found the foreign relations of the government in a pacific condition. Adams had devoted the greater part of his efforts as president to extricating the country from its embarrassing relations with England and France. In doing so he had forfeited his popularity and shipwrecked his party, but he had made smooth sailing for his successor, whose first diplomatic duty it was to attend to the exchange of ratifications and the proclamation of the treaty with France negotiated by the commissioners sent to Paris by Adams.

Nothing further of moment occurred until the great diplomatic achievement of his administration was consummated in the treaty for the acquisition of Louisiana. The negotiations to that end grew out of the efforts of the United States to secure the free navigation of the Mississippi and the use of a place or port of deposit at or near its mouth for the products of the river valleys for foreign export. As early as December, 1776, Congress passed a resolution looking to measures for securing these objects. Jay was sent during the war

of independence to Spain on a special mission, having this for one of its chief objects. Franklin, in writing to him respecting his mission, said: "To part with the Mississippi were as if one should sell his street door." Jay's mission proved fruitless, and when he became Secretary of State under the Confederation we have seen that he again, but without avail, undertook the task of securing a treaty with these privileges. The matter was followed up by the administration of Washington, but not till 1795 was it possible to complete a treaty with Spain. By it the free navigation of the Mississippi was secured, and the use of New Orleans as a port of deposit for three years with a stipulation for its continuance there or elsewhere; but these privileges were subject to many annoyances on the part of the Spanish authorities, under which the American settlers in the new territories west of the Alleghany Mountains became very restive.

The vast territory known as Louisiana had been discovered and settled by the French. By a secret convention in 1762, during the Anglo-French war, the French government ceded so much of the territory as lay beyond the Mississippi, together with New Orleans, to Spain. By the treaty of peace of 1763 that part of the territory east of the Mississippi fell to Great Britain; but by the treaty of peace of 1783 it came again into the possession of Spain. Thus the territory remained Spanish up to 1800, when by a secret treaty it was retroceded to France.[1]

[1] For Franco-Spanish treaties of 1762 and 1800 see Debates of Congress (Gales and Seaton), vol. 13, part 2, Appendix, 225, 229.

Rumors of a meditated cession reached the United States in 1801, and created intense interest in this country. "Nothing, perhaps," Jefferson wrote, "since the Revolution has produced more uneasy sensations through the body of the nation." He had for many years given the subject of the free navigation of the Mississippi much attention, and he was fully alive to its importance. When the rumors were first received, instructions were promptly sent to our ministers in London, Paris, and Madrid to do all in their power to prevent the cession;[1] but when these instructions were received the treaty had already been consummated, although Talleyrand denied to our minister in Paris nearly two years after the treaty had been signed that it existed.[2] On receipt of the news, Jefferson wrote to Livingston, our minister at Paris: "It completely reverses all the political relations of the United States. . . . There is on the globe one single spot, the possessor of which is our natural and political enemy. It is New Orleans. . . . The day that France takes possession of New Orleans fixes the sentence which is to restrain her within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation."[3] To Nemours he wrote: "The use of the Mississippi is so indispensable to us that we cannot hesitate one moment to hazard our existence for its maintenance."[4] Secretary Madison, in his instructions

[1] 2 For. Rel. (folio) 510.
[2] Ib. 512.
[3] 8 Writings of Jefferson, 144.
[4] Ib. 205.

to Livingston, said: "The United States would take the most vigorous measures, even though they should involve war, to avert such a calamity."

About the same time came the news that the Spanish governor at New Orleans had issued an edict closing that city as a port of deposit. Its effect in the West was to awaken an intense spirit of indignation, and create a determination to maintain the privilege, by force if necessary. Not until May, 1802, was authentic information received in Washington that the reported treaty of cession was a reality, and even then the extent of it was not known, the belief being that it embraced the transfer to France of East and West Florida, as well as Louisiana. Secretary Madison instructed Mr. Pinckney, minister in Madrid, if the cession had not yet been consummated, to endeavor to secure the purchase of the Floridas and New Orleans for a money consideration and for a guarantee to Spain of all the territory west of the Mississippi.[1] Instructions were likewise sent to Mr. Livingston, our minister in Paris, to ascertain if the cession did include the Floridas, in which event he was to approach the French government with an offer to purchase New Orleans and the Floridas.[2] The instructions of the Secretary of State were preceded by a personal letter to the same effect from the President to Mr. Livingston, from which I have just quoted the emphatic words cited.

During the year 1802 Mr. Livingston made little progress in his negotiations, and so far from discovering any disposition on the part of France to give up the

[1] 2 For. Rel. (folio) 517. [2] Ib. 516.

territory east of the Mississippi, he reported to Secretary Madison that Napoleon, full of his scheme of reviving the colonial empire which had been wrested from France by Wolfe on the Plains of Abraham, was preparing to dispatch an army of ten thousand men under General Bernadotte to occupy Louisiana. This naturally added to the anxiety of President Jefferson. In his annual message to Congress in December, 1802, he directed attention to the cession to France and its importance to the United States, and this was followed in January by a special message to the Senate[1] stating that in view of the gravity of the situation he had determined to create a special mission "for the purpose of enlarging and more effectually securing our rights and interests in the river Mississippi, and to the territories eastward thereof;" that while he had full confidence in our resident minister, he had thought it best to join with him James Monroe; and he thereupon nominated Messrs. Livingston and Monroe as special plenipotentiaries to enter into negotiations to that end with either France or Spain, or both, as circumstances might require, it not being known at that date that the Floridas had not been included in the cession; Mr. Pinckney being joined with Mr. Monroe in case negotiations were to be conducted at Madrid.

The Senate promptly confirmed the nominations, and the President, informing Mr. Monroe of his appointment, urged him to use all expedition in his departure, "as the moment in France is critical."[2] In a letter also to Mr. Livingston, explaining the reasons for Mr.

[1] Ib. 475. [2] 8 Writings of Jefferson, 192.

Monroe's appointment, he stated that unless we could acquire New Orleans war was inevitable, and added, "the future destinies of our country hang on the event of this negotiation."[1] The instructions to the plenipotentiaries from the Secretary of State, delivered to Mr. Monroe on his departure in March, 1803, contemplated the purchase of the island of New Orleans and East and West Florida, or so much of the latter "as the actual possessor could be prevailed upon to part with."[2]

A month after Monroe had sailed the President, restive under the alarming situation of affairs, caused an additional instruction to be dispatched to his plenipotentiaries in Paris[3] to the effect that if they found in France "a temper adverse to harmony, and schemes of ambition," in that case they were directed to open confidential communications with the British government with a view to a combination to circumvent the schemes of Napoleon in Louisiana — in other words, to put to a practical application Jefferson's declaration already quoted that "we must marry ourselves to the British fleet and nation."

Happily no such extreme and hazardous measure became necessary. Suddenly a change was brought about in the plans of France by the rising of the war cloud across the Channel. When it became evident that a fresh war with England must occur, Napoleon saw that his new possessions over the seas would be an element, not of strength, but of weakness. Conversing with his counselors April 10, 1803, he submitted to

[1] Writings of Jefferson, 209. [2] 2 For. Rel. 540. [3] Ib. 556.

them the proposition to sell Louisiana to the United States, and said: "If I leave the least time to our enemies, I shall only transmit an empty title to those Republicans whose friendship I seek. They only ask of me one town in Louisiana; but I already consider the colony as entirely lost, and it appears to me that in the hands of this growing power it will be more useful to the policy and even to the commerce of France than if I attempt to retain it."[1] The next day he said to Marbois: "Irresolution and deliberation are no longer in season. I renounce Louisiana. It is not only New Orleans that I will cede, it is the whole colony without any reservation. . . . I direct you to negotiate this affair with the envoys of the United States. Do not even await the arrival of Mr. Monroe. Have an interview this very day with Mr. Livingston."[2]

In the first instance, Talleyrand had approached Livingston with an offer to sell the entire territory to the United States. When the province was offered to him Livingston said his government did not want the whole territory, but only the island of New Orleans. When, however, he sought to continue the negotiations on the basis of the acquisition of the whole of Louisiana, Talleyrand, true to his characteristic duplicity, stated that he was not authorized to make the offer. As we have seen, the negotiations had been transferred to Marbois, whether because Napoleon mistrusted Talleyrand's integrity in a matter which involved money, or for what other reason, is not known. Marbois was spe-

[1] Marbois's History of Louisiana, Lawrence's translation. 1830, p. 264.
[2] Ib. 274.

cially fitted for the task. He was Minister of Finance, he had long resided in the United States as a member of the French legation, had an American wife, and was friendly to our country. He had already approached Livingston, under the explicit instructions of his chief just cited, and when Monroe joined Livingston in the negotiation, nothing remained to be adjusted but the price and the framing of the text of the treaty.

The interests of the same nations that participated in the peace conference of 1782–83 in Paris were involved in the present negotiations: Spain, owning Florida, on the east of the Mississippi; England hostile to France, and likely to conquer in the war; France on the eve of war, in want of money, and desirous of parting with the territory to a rival of England; and the United States, eager to secure an outlet for her great river system.

The negotiations were brought about and conducted by six persons, distinguished in America and France: Jefferson, President, once Minister to France; R. R. Livingston, former Secretary of Foreign Affairs of Congress, and resident minister; Monroe, the trusted friend of the President and special envoy; Napoleon, thirty-five years of age, First Consul, and absolute ruler of France; Talleyrand, the wily diplomatist, and well acquainted with America; Marbois, Minister of Finance, former secretary of the French legation in the United States, the direct negotiator and signer of the treaty.

Marbois named one hundred million francs as the price to be paid, although Napoleon had to him fixed upon fifty millions as the amount to be asked. The

sum finally agreed upon was sixty millions of francs for the territory, and twenty millions for the satisfaction of American claims against France. After the treaty was executed, Napoleon said to Monroe that he had made the transfer, not so much on account of the price, as from motives of policy; and in agreeing to the treaty he said: "I have given England a maritime rival which will sooner or later humble her pride."

While the negotiations were preceded by great solicitude on the part of the government of the United States, they were in the end consummated with great celerity and ease. Circumstances favored the United States, and it was the highest statesmanship and diplomacy to seize upon and improve the occasion. The treaty was followed by considerable recrimination between the respective friends of Livingston and Monroe, as to the relative credit due these gentlemen for the part they bore in this transaction, so important and valuable for their country. Mr. Livingston dignified the controversy by a lengthy dispatch to Secretary Madison reviewing the participation of Monroe and himself, from which it is seen that he felt that the greater share of the credit was due to himself.[1] Monroe's manuscripts also contain full reference to the controversy. Jefferson, in noting the discussion, said: "The truth is both have a just portion of merit, and were it necessary or proper it could be shown that each has rendered peculiar service and of important value."[2]

The result exceeded all the expectations of our government. Neither the President nor the country had

[1] 2 For. Rel. 573. [2] 8 Writings of Jefferson, 249.

anticipated the acquisition of any territory west of the Mississippi. In fact, as we have seen, Pinckney was authorized to guarantee the possession of that territory to Spain, and Livingston and Monroe were likewise authorized to make a similar guarantee to France. The instructions contemplated only the acquisition of such territory, more or less, as they could obtain on the east side of the river. "They ask of me a town," said Napoleon, "and I give them an empire." In their dispatches communicating the treaty, Livingston and Monroe acknowledged they had exceeded their instructions, but humbly hoped they had not erred.[1] Livingston wrote the Secretary of State: "If the price is too high, the outlay might be reimbursed by the sale of the territory west of the Mississippi . . . to some power of Europe whose vicinity we should not fear." Jefferson thought it might be useful as a refuge for the Indians east of the Mississippi.[2] He had not then awakened to the fact that the treaty was to be the greatest achievement of his life.

Before the treaty was ratified by the Senate the Spanish government, both through the Minister of Foreign Affairs to Mr. Pinckney at Madrid and through Yrujo, the minister in Washington, to Secretary Madison, protested against the cession from France to the United States, on the ground, first, that France gave a pledge to Spain that she would never alienate the territory, and that on no other condition would Spain have ceded it; and, second, that the consideration for the cession had failed in the case of France, as that gov-

[1] 2 For. Rel. 558. [2] 8 Writings of Jefferson, 244, 251, 263.

ernment had stipulated to procure the recognition of the King of Tuscany from Russia and Great Britain.

Secretary Madison, in reply, sought to show that neither ground of the protest was well founded, and, in any case, they could have no weight with the United States, which was not served with notice by Spain of her claim, and we had taken the title in good faith.[1] President Jefferson dismissed the subject in more terse terms, in a letter to Livingston: "We have answered, that these were private questions between France and Spain, which they must settle together; that we derived our title from the First Consul, and did not doubt his guarantee of it."[2] The protest had no effect upon the Senate, as the treaty was submitted to that body on October 17, 1803, and so promptly ratified that the exchange of ratifications and the proclamation of the treaty occurred on October 21.

The extent of territory embraced in the cession was for some time a matter of uncertainty and dispute. We shall see that in later negotiations with Spain it assumed serious importance. It was claimed by some that the Louisiana Territory as held by France extended to the Pacific Ocean coterminous with British North America, and as late as 1897 a map of the United States was published by the Department of the Interior (Land Office), showing the Louisiana purchase to include all the territory west of the Rocky Mountains and north of 42° of latitude. This claim was not well founded, as has been conclusively shown by the Commissioner of the Land Office by a citation of much

[1] 2 For. Rel. 569–572.

[2] 8 Writings of Jefferson, 278.

historical and political data.[1] The French never set up any claim to territory west of the Rocky Mountains, and the American negotiators of the treaty of cession of 1803 understood these mountains to be the western boundary of Louisiana.[2] In August, 1803, after the treaty had been made, Jefferson wrote: "The boundaries, which I deem not admitting of question, are the high lands on the western side of the Mississippi inclosing all its waters, the Missouri, of course;" and this opinion he confirmed in a letter to the geographer Mellish, in 1816, after a thorough examination of the subject, saying, "the western boundary of Louisiana . . . is along the highlands and mountains dividing the Mississippi from those of the Pacific."

When the special mission to negotiate for the acquisition of the island of New Orleans and a part of Florida was decided upon, a difficulty at once presented itself to President Jefferson, he believing that such acquisition was an act beyond the Constitution. As early as January, 1803, he submitted the question to Mr. Gallatin, the ablest member of the Cabinet, for his consideration, saying he thought it "safer not to permit the enlargement of the Union but by amendment of the Constitution." As soon as the treaty was received the serious aspect of this difficulty was exaggerated, as in place of the acquisition of a small strip at the outlet of the Mississippi, which might be defended as a commercial necessity, it was seen that we had acquired a vast and unknown territory not sought for and apparently

[1] The Louisiana Purchase, by Binger Hermann, 1898.

[2] 2 For. Rel. 559.

useless. To his faithful friend, Senator Breckenridge, he wrote at length respecting the treaty and as to the duty of Congress to take the action necessary to carry it into effect, and he adds, "but I suppose they [Congress] must then appeal to *the nation* [the States] for an additional article to the Constitution, approving and confirming an act which the nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution."[1]

Soon after the treaty reached Washington, Jefferson himself prepared a draft of an amendment to the Constitution, and submitted it to the members of his Cabinet and to partisan senators.[2] The general tenor of their views in reply was that the amendment was unadvisable. Such utterances must have sounded strange to Jefferson, who had inspired the famous "Kentucky Resolutions" introduced by Breckenridge five years before, which declared that unconstitutional assumptions of power were a surrender of our form of government. To Nicholas, senator from Virginia, a prominent advocate of the Kentucky Resolutions, who in reply to his inquiry had expressed the opinion that the Constitution might be construed to sustain the treaty, Jefferson wrote: "Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction."[3]

[1] 8 Writings of Jefferson, 244. [2] Ib. 241. [3] Ib. 247.

But a change in the situation was developed by an urgent dispatch received from Livingston and Madison, reporting that since the treaty had become known strong opposition to it had been developed in government circles, that too good a bargain for us had been made, that with great difficulty they had secured the ratification of Napoleon, and that he might yet undo his work unless prompt action was had by Congress on the treaty. This was supplemented by another letter from Livingston: "I most earnestly press you . . . to get the ratification as soon as possible, and to do all that on our part remains to be done."[1] Jefferson at once took the alarm lest his great achievement should not be consummated. His constitutional scruples disappeared. Congress was convened in extraordinary session for October 17. On the very next day after he had written his letter to Breckenridge, from which I have quoted his decided views as to the constitutional power, he received the letter cited from our envoys in Paris, and he wrote again to Breckenridge to suppress the contents of the previous letter, as "we should do *sub silentio* what shall be found necessary," and urged him to have every friend of the treaty present at the opening of Congress. To the Secretary of State and to other influential friends he wrote: "The less we say about constitutional difficulties respecting Louisiana the better, and that what is necessary for surmounting them must be done *sub silentio*."[2]

We have seen that within four days after Congress met the treaty was ratified, and ratifications exchanged

[1] 2 For. Rel. 563. [2] 8 Writings of Jefferson, 245.

and proclaimed. Only one day was allowed in each House for general debate on the legislation necessary to carry it into effect. In no part of his public career has Jefferson's character and power as a politician been more conspicuously exhibited; and never before or since has a president of the United States pushed through Congress a measure which he himself admitted was unauthorized by the Constitution. He relied for his justification on the wisdom and necessity of the act, and the hearty wish of the people for its consummation.

The measure was strongly opposed by most of the Federalists, though Hamilton, Gouverneur Morris, and others favored it. Although under "the whip and spur" policy of the administration leaders the debate in each House was limited to one day, it was one of the most notable in the history of Congress.[1] The questions discussed were, first, whether under the Constitution foreign territory could be acquired, and, second, under what status it should be held after admission. An affirmative answer was given to the first question by decided majorities in both Houses, and has been effectively settled by both the political and judicial departments of the government; but the control of such territory is still a matter of debate. In addition to the congressional discussion the opposition press and writers were active .in advancing objections. The boundaries were in dispute and it would probably lead to war, a prediction which was realized some forty years later; the large territory was useless and not wanted; the

[1] For the debate, see Annals of Congress, 8th Congress, 1st Session, 1803, in the House, 432–515; in the Senate, 35–73.

price was too high — it was equal to 433 tons of silver, it would load 866 wagons extending $5\frac{1}{3}$ miles, would make a pile of dollars 3 miles high, equal to 25 ship-loads, would provide $3 to each man, woman, and child in the country, more than all the gold and silver coin in the country. Griswold, leader of the Federalists in the House, said: "The vast unmanageable extent which the accession of Louisiana will give the United States . . . threatens, at no distant day, the subversion of the Union." But all these objections counted for nothing as against the prevailing public sentiment that the country had made a good bargain, and that the West was henceforth to have a free outlet to the world for its already overabundant production.

The treaty of cession to the United States was proclaimed October 21, 1803, but at that date the Spanish authorities were still in possession of the territory, notwithstanding the fact that the treaty for its retrocession to France had been signed two and a half years before. On the 30th of November, 1803, the formal transfer from Spain to France took place at New Orleans, but as the French colonial prefect had no force at his command to support his authority, a volunteer force was hastily organized of American and French residents numbering two or three hundred militia, under command of the American consul, which maintained order until the arrival of a body of the United States army. On December 20, 1803, the transfer of the territory of Louisiana was made to the American commissioners. The American troops entered the city of New Orleans and formed in the square in front of the city hall.

The French flag descended and the American flag ascended the same staff; as they met a gun was fired as a signal and was answered by a salute from all the batteries. After a twenty days' nominal occupancy this vast territory passed forever out of French control.

The ratification of the treaty was followed by an act for the government of the new territory, which was in marked contrast with Jefferson's loudly proclaimed democratic principles. It created a governor and legislative council to be appointed by the President, but contained no provision for popular suffrage, and no opportunity was afforded the inhabitants to express their will as to the transfer of the territory. The bill was not passed without serious opposition,[1] and it proved so unacceptable that it was soon thereafter substituted for one more in harmony with republican government. The President made no reference to the constitutional difficulty in his message to Congress submitting the treaty, and seems to have dismissed from his mind the proposed amendment. More than a month after legislation had been enacted by Congress to put the treaty in force, Senator J. Q. Adams submitted a proposed amendment of the Constitution to the Senate, but it was not even seconded, and nothing further was ever heard of the subject.

Few events in the entire history of the country have had such an important influence on its destiny as this acquisition of territory. Nor does it detract from Jefferson's statesmanship that he did not have in view

[1] The debate in the Senate was not reported, but that in the House will be found in Annals of Congress, 1803–4, 1054–1079.

the vast acquisition when he initiated the negotiations. In seeking to relieve the wants of the West for a free outlet to the ocean, he found the situation of European politics presented a rare chance for American expansion, and he did not hestitate to embrace the opportunity. It was fortunate for the future of America that we had at the head of affairs a man of such broad views of our country's future. A less able president, with the same views entertained by Jefferson as to the unconstitutionality of the measure, would have put aside the opportunity. Jefferson put aside his preconceived views as to the fundamental law or subordinated them to the will of the nation, and welcomed the opportunity to open up the continent to the expansion of American democracy and free institutions.

What a notable influence has this acquisition had upon the succeeding events in our history! It made the acquisition of Florida a necessity. It brought about the annexation of Texas, the Mexican War, the thirst for more slave territory to preserve the balance of power, the Civil War, and the abolition of slavery. It led to our Pacific coast possessions, the construction of the transcontinental lines of railway and our marvelous Rocky Mountain development, the demand for the Isthmus Canal, the purchase of Alaska, the annexation of Hawaii. It opened up to us the great field of commercial development beyond the Pacific in Japan, China, and the islands of the sea. It fixed our destiny as a great world power, the effects of which we are to-day just beginning to realize.

After the treaty for the Louisiana purchase, Monroe

was sent to Madrid to secure from the Spanish government the cession of Florida, which was greatly desired by the President; but the time was not ripe for that acquisition, and he returned to London to assume the duties of minister to England. During his residence there, the commercial provisions of the Jay treaty of 1794 expired, and he, in conjunction with William Pinkney, a lawyer of high reputation, was empowered to negotiate a new treaty, which it was expected would adjust all the matters of difference which were threatening war between the two countries, especially as to neutral rights and impressment of seamen. Monroe was chagrined that the President should have sent a special envoy to assist him in the negotiations, although he had borne the same character so recently in Paris. They labored earnestly together, however, and finally succeeded in making a treaty in 1806. But as it omitted any provision as to impressment of seamen and indemnity for seizure of our vessels, President Jefferson refused to send it to the Senate. Mr. Monroe returned to the United States for a second time a disappointed and aggrieved man. Following his action when recalled by Washington, he published a lengthy defense of his suppressed treaty, but in the excited state of the public mind it received little consideration.

Not the least important of the achievements of the administrations of Jefferson and Madison was the settlement of the troubles with the African Barbary States, which had existed from the first year of the independence. At this day it seems incredible that within the present century there existed on the shores of the Medi-

terranean Sea a group of states engaged in legalized piracy, whereby vessels occupied in peaceful commerce were seized and confiscated, and their officers and crews taken and held as slaves. It sounds equally strange to be told that all the commercial nations of Europe, including the powerful nations, England and France, recognized this system and secured exemption from its evil effects by paying an annual tribute, and by ransoming their subjects from wretched slavery through payment of large sums of money. When the United States became a nation, this system had been in practice for generations. Instructions were sent to Jefferson, while minister at Paris, and Adams at London, to secure some kind of settlement or exemption for American commerce, which had already begun to suffer, and release of our citizens held in slavery.

Jefferson urged the Continental Congress to make an issue with the Barbary States and go to war, rather than endure the humiliation and expense of the tribute and ransom. Adams feared that we were not in a position to make an issue with states whose naval strength was so great as to command the submission of all Europe. Whereupon Jefferson set to work to secure an agreement of the European powers for a combined movement to break down and destroy the system. By this arrangement the United States was to furnish a certain naval force; but when the Continental Congress came to consider and carry out the plan, it was compelled to confess that it could not rely upon the States to contribute the force and money required for the armed intervention, and it was given up, partly on this

account and partly because of the reluctance of some of the European powers to join in the movement. This country was, therefore, under the necessity of acquiescing in the universal practice, and make the best terms possible with the piratical nations.[1]

But when terms were made with them it was found that the pirates would not observe them, and, though we had paid in tribute over $2,500,000, we were in constant trouble, our consuls insulted, our vessels seized, and our seamen thrown into slavery. These relations were the subject of much consideration and of naval expeditions in Jefferson's term, but the outrages culminated during the war with England, and at its close our government, having a tried navy at its command, determined no longer to submit to the indignities, and dispatched Commodore Decatur with a squadron, under instructions to demand the abolition of all tribute under any form whatever. When the commodore appeared in the harbor of Algiers and made his demand, the Bey asked time to consider it. This was refused, whereupon he pleaded for three hours, and the answer was, "not a minute." Within forty-six days from the time the squadron sailed the Bey of Algiers had complied with the demands of our government; and in succession the other Barbary States, on the appearance of the commodore and his guns, yielded to American naval diplomacy and accepted the terms required.[2] The ex-

[1] For some of the correspondence with Adams and Jefferson, see 1 Dip. Cor. 1783–1787, 470, 652, 750, 791; 2 Ib. 568, 571; 1 Writings of Jefferson, 91–94.

[2] For historical statement, Schuyler's American Diplomacy, chap. iv.

ample had its natural effect in Europe. England soon dispatched a naval force on a similar mission, but was at first less successful, as it was necessary to bombard and burn Algiers before the Bey was brought to submission. And thus, through the intrepid course of the young nation across the sea, were the Barbary pirates, who for centuries had ravaged the Mediterranean, taught to respect human freedom and the rights of commerce.

While our diplomats abroad were acquiring, through negotiations with Napoleon, half a continent, and were striving to prevent the impending war with Great Britain, and while the diplomacy of our navy was being applied to the Mediterranean pirates, Jefferson and Madison were having their skill, patience, and temper put to the test by the foreign diplomats resident in the capital. These troubles, mainly of a personal character, seem so trivial in their nature as to be scarcely worthy of notice, but they grew into such proportions that the English historians of the period include some of them in the causes of the second British war.[1] They were, in a large measure, the outgrowth of the social rules then observed at the capital.

At the organization of the government, Washington took the written opinions of various of his advisers, including Vice-President Adams, Jefferson, and Hamilton, as to the etiquette to be followed at the Executive Mansion, and a somewhat ceremonious practice was established as to levees, dinners, and social visiting, in consonance with Washington's view of the dignity of

[1] 10 Allison's History of Europe, 651.

the presidency. At the levees the President is described as wearing a purple satin or black velvet coat and knee breeches, set off with pearl satin waistcoat, fine linen and lace, and shining buckles, a cocked hat, and a sword with a polished white scabbard. He did not shake hands, resting one hand upon his sword hilt, and with the other holding his hat. The detailed arrangement of the levees was left to Colonel Humphreys, who had been an aide to the President during the war, later had held various diplomatic posts in Europe, and had returned from there quite impressed with court ceremonials. Jefferson, in his anas,[1] gives an amusing account of the first of these levees, and of Washington's mortification and indignation at Humphreys's arrangement. At the state balls, Mrs. Washington sat upon a raised seat, and was addressed as Lady Washington; the waiters at the President's table wore "the brilliant Washington livery;" when he made visits he rode in a coach-and-four, and at the opening of Congress in a coach-and-six; and his birthday was celebrated at the seat of government and throughout the country with much éclat.

The practices established by the first President were in great part observed by President Adams, but not without severe criticism from the opposing party as unbecoming in a republican government. The advent of Jefferson, with his democratic ideas, led to a change at the Executive Mansion. He no longer opened Congress in person, but sent his messages to be read by the clerk. The courtly drawing-rooms, which he re-

[1] 1 Writings of Jefferson, 216.

garded as in the nature of monarchical customs, were abolished.[1] The President refused to allow his birthday to be observed. On New Year's Day and the Fourth of July the Executive Mansion was open to all who chose to come. He revoked the rule setting aside separate days and hours for receiving visits, and announced that on any day and hour he would receive those who should call on him. All social distinctions were to be abolished at the White House, and what he termed "the rule of *pêle-mêle*" was to be followed;[2] no special places were assigned to guests at the President's table, and if ladies were of the company they were to be escorted by those who stood nearest to them when dinner was announced.

These rules brought upon Mr. Jefferson much criticism and not a little embarrassment, as we shall see; but they were not inspired by parsimony nor a want of knowledge of social etiquette. We are told that his sideboard was open and profusely supplied on the New Year's and July receptions; and neither of his predecessors had entertained so lavishly as he. A senatorial guest, fresh from one of his congressional dinners, records in his diary: "We had a very good dinner, with a profusion of fruits and sweetmeats. The wine was the best I ever drank, particularly the champagne, which was indeed delicious."[3] Jefferson's residence in Paris had given him a relish for French dishes, and he kept a French cook. In allusion to these habits, Patrick Henry denounced him on the stump as one who "abjured

[1] 8 Writings of Jefferson, 52. [2] Ib. 277.

[3] Life of William Plummer, p. 245.

his native victuals."[1] He was a man of scholarly tastes, wide information, an excellent conversationalist, of attractive manner, and had spent five years in the best social circles of Paris. Few men of his day were better fitted to create a refined society at the new capital, and especially to make the Executive Mansion a pleasant resort for the small diplomatic corps; but he had other ends in view. He was an intense believer in democratic simplicity, had great faith in the people, and a thorough disgust for kings and the pomp of court. He sincerely believed the ceremonies established during Washington's administration tended to the encouragement of aristocratic and monarchical institutions. He went to the other extreme, and brought upon himself the charge of demagoguery; but he rendered a great service to society and the country in fixing at the Executive Mansion the simplicity of official and social customs which has been the pride of genuine Americans for a century past.

The troubles growing out of the new social régime began with the arrival of a new British minister, Mr. Merry, in 1803, the legation having been filled for some time previously by a secretary. He gave to his government the following account of his official reception by the President: "Mr. Jefferson's appearance soon explained to me that the general circumstances of my reception had not been accidental, but studied. I, in my official costume, found myself, at the hour of reception he had himself appointed, introduced to a man as the President of the United States, not merely in an

[1] 2 Schouler's U. S. 93.

undress, but actually standing in slippers down at the heels, and both pantaloons, coat, and underclothes indicative of utter slovenliness and indifference to appearances, and in a state of negligence actually studied." This was the first occasion on which he had given audience to a foreign minister, but from our knowledge of Jefferson's ideas and habits it is fair to presume that the British minister was mistaken in supposing that there was any design to treat him with disrespect. The senator whom I have already quoted, in giving an account of his first meeting with Jefferson, says: "He was dressed, or rather undressed, in an old brown coat, red waistcoat, old corduroy small-clothes much soiled, woolen hose, and slippers without heels. I thought him a servant, when General Varnum surprised me by announcing that it was the President."[1]

The next account Minister Merry gives his government of his meeting with the President was at a dinner at the White House, among the guests being the Spanish minister and his wife, the French chargé and his wife, and others. Mr. Merry reports that the President escorted Mrs. Madison, the wife of the Secretary of State, who sat at his right, the Spanish minister's wife on his left. "Mrs. Merry was placed by Mr. Madison below the Spanish minister, who sat next to Mrs. Madison. With respect to myself, I was proceeding to place myself, though without invitation, next to the wife of the Spanish minister, when a member of the House of Representatives passed quickly by me and took the seat, without Mr. Jefferson's using any

[1] Life of William Plummer, 242.

means to prevent it, or taking any care that I might be otherwise placed." The event was dignified by a report of it to both the Spanish and French governments by their representatives. Yrujo, the Spanish minister, wrote to his Minister of Foreign Affairs: "I observed immediately the impression that such a proceeding of the President must have on Mr. and Mrs. Merry, and their resentment could not but be increased at seeing the manifest, and, in my opinion, studied preference given by the President throughout to me and my wife over him and Mrs. Merry."

Four days afterwards the British minister and his wife were invited to dine with the Secretary of State, the Spanish and French representatives and the Cabinet families also being present. It had been the practice of Mr. Madison to give the precedence at his table to the foreign ministers, but on this occasion he escorted to the table the wife of the Secretary of the Treasury, it being supposed the custom was varied because of the criticism of the British minister on the President's dinner. The worst of it was, however, that in the *pêle-mêle* practice Mrs. Merry was left without an escort, and, as the minister informed his government, he accompanied her himself to the table, and they placed themselves wherever they could find seats. The French chargé reported to Talleyrand that the Secretary of State "in this instance wished to establish in his house the same formality as at the President's, in order to make Mr. Merry feel more keenly the scandal he had made; but this incident increased it." Merry wrote home: "The preference in every respect was taken by, and

given to, the wives of the secretaries of the departments (a set of beings as little without the manners as without the appearance of gentlewomen), the foreign ministers and their wives being left to take care of themselves. In short, the latter are now placed here in a situation so degrading to the countries they represent, and so personally disagreeable to themselves, as to have become almost intolerable."

The diplomats determined upon reprisals, and the British and Spanish ministers agreed that whenever they entertained the secretaries and their wives they should take none of them to the table, but should escort their own wives; and accordingly the resolution was carried out at the house of the Spanish minister some days afterwards. Other reprisals of a similar character followed. The French chargé, whose country was at war with England, was delighted with the situation, and communicated to Talleyrand full details of this social warfare, and comments: "Washington society is turned upside down; all the women are to the last degree exasperated against Mrs. Merry; the Federalist newspapers have taken up the matter and increased the situation by sarcasms on the administration, and by making a burlesque of the facts, which the government has not thought proper to correct," and he concludes: "I am aware that, with tact on the part of Mr. Jefferson, he might have avoided all these scandals."

The President a little later did make an effort to mend the situation, and after informally inquiring whether Mr. Merry would accept an invitation to a family dinner, and supposing he had received a favorable indi-

cation, wrote him an invitation in his own hand. In place of replying direct to this friendly advance, Mr. Merry addressed an official note to the Secretary of State, to know whether he was invited in his official or private capacity; if the former, he must first obtain the permission of his sovereign; if the latter, he must receive an assurance in advance, through the Secretary of State, that the President would observe towards him usages of distinction heretofore extended to his Majesty's ministers.[1]

[1] This correspondence is so unique that it is here inserted. The President's invitation was as follows: —

"Thomas Jefferson asks the favor of Mr. Merry to dine with a small party of friends on Monday, the 13th, at half past three.

"February 9, 1804."

Mr. Merry's reply was addressed to the Secretary of State, and in it he referred at some length to what had passed, and closed with the inquiry whether the invitation was addressed to him in his private capacity or as his Britannic Majesty's minister, and says: "If Mr. Merry should be mistaken as to the meaning of Mr. Jefferson's note, and it should prove that the invitation is designed for him in his public capacity, he trusts that Mr. Jefferson will feel equally that it must be out of his power to accept it, without receiving previously, through the channel of the Secretary of State, the necessary formal assurances of the President's determination to observe towards him those usages of distinction which have heretofore been shown by the executive government of the United States to the persons who have been accredited to them as his Majesty's ministers.

"Mr. Merry has the honor to request of Mr. Madison to lay this explanation before the President, and to accompany it with the strongest assurances of his highest respect and consideration.

"WASHINGTON, February 9, 1804."

To this Mr. Madison replied as follows: —

"Mr. Madison presents his compliments to Mr. Merry. He has communicated to the President Mr. Merry's note of this morning, and has the honor to remark to him that the President's invitation, being in the

This reply was considered insulting, and intensified the feeling in the already excited administration circles. The matter was made the topic of solemn Cabinet consultations, and the President attached such importance to it as to address a long communication, in his own name, to Mr. Monroe, our minister in London, manifesting much temper. In it he speaks kindly of Mr. Merry, but of his wife he says: "He is unluckily associated with one of opposite character in every point. She has already disturbed our harmony extremely. . . . It has excited general emotions of contempt and indignation (in which the members of the Legislature participate sensibly) that the agents of foreign nations should assume to dictate to us what shall be the laws of our society. . . . The latter (Mrs. Merry), be assured, is a virago, and in the short course of a few weeks has established a degree of dislike among all classes which one would have thought impossible in so short a time. . . . If she perseveres she must eat her soup at home, and we shall endeavor to draw him into society as if she did not exist."[1] The Secretary of State also made it the subject of an official dispatch to Mr. Monroe.[2]

Tom Moore, the Irish poet, was on a visit to the United States about this time, and was entertained for

style used by him in like cases, had no reference to the points of form which will deprive him of the pleasure of Mr. Merry's company at dinner on Monday next.

"Mr. Madison tenders to Mr. Merry his distinguished consideration.

"WASHINGTON, February 9, 1804."

(1 Wharton's Digest, 733.)

[1] 8 Writings of Jefferson, 290.

[2] 2 Madison's Writings, 195.

a week at the British legation. He wrote to his mother an amusing account of the affair, which he spoke of as a "farce," though he said, "only the precarious situation of Great Britain could possibly induce it to overlook such indecent, though petty, hostility."[1] Merry remained for three years thereafter at his post, but he never forgot his treatment, and found frequent occasion to take his revenge in his political, as well as social, relations. Such incidents have contributed much to create in Europe a widespread conviction, not yet wholly extinct, that the Americans are a people without social manners and devoid of cultivation. Moore, like other British visitors, such as Mrs. Trollope, Dickens, and others, in his volume of poems soon after published, devoted considerable space to ridicule and detraction of American social life. One of his stanzas I give, though almost too scurrilous to quote: —

> "The patriot, fresh from Freedom's councils come,
> Now pleas'd retires to lash his slaves at home;
> Or woo, perhaps, some black Aspasia's charms,
> And dream of freedom in his bondsmaid's arms."[2]

In a footnote, he explained that this allusion was to the President of the United States.

Merry was not the only unruly and sensitive diplomat with which President Jefferson had to deal. The Marquis de Casa Yrujo, the Spanish minister, was first accredited to the government of President Washington, and in the latter days of Adams's term, for serious misconduct arising out of the celebrated Cobbet trial[3] and

[1] 1 Lord Russell's Thomas Moore, 162.

[2] The Poetical Works of Thomas Moore (London, 1853), 295.

[3] 5 Hildreth's U. S. 163.

his unfriendly relations with the Secretary of State, his recall had been asked of the Spanish government. The temper towards the minister of the irascible secretary, Pickering, may be seen from an extract of a letter written by the latter to McHenry, the Secretary of War. Referring to what he termed a conspiracy of the Spanish minister to bring false evidence against him, he used this language, more forcible than elegant: "The object of the Spanish puppy, and his hired witnesses, was apparent from the beginning, but I have a perfect contempt for him and them. . . . Armed with truth, I defy all the villains which the unprincipled Don and his dollars can assemble in array against me, and all the other devils incarnate in the United States who would be pleased with my destruction." [1]

He had during his residence married a daughter of Governor McKean, of Pennsylvania, an influential Republican, and one of the first diplomatic acts after Jefferson's accession was to withdraw the request for his recall. He became afterwards very intimate at the White House, and until the arrival of Merry took no offense at the unceremonious practices in vogue there. But Merry's advent synchronized with some serious complications as to Florida, then a Spanish possession, and it suited Yrujo's purpose to reverse his past social conduct and side with his British colleague in the petty quarrel over "the *pêle-mêle*" manner of reaching the presidential dining-table. Smarting under his treatment growing out of these incidents, he took advantage of the Florida trouble to call upon Madison at the

[1] 3 Life of Pickering, 404.

State Department, and in the most excited manner overwhelmed him with reproaches, and followed up his personal visit with a note preferring very severe charges against the government. The controversy on Yrujo's part reached such a pitch that Madison declared it "a rudeness which no government can tolerate," and he directed our minister in Madrid to ask for his recall, although the chief ground for the request was his attempt to bribe a Philadelphia editor to publish attacks upon the government.

The Spanish government was in no hurry to act upon the request, and meanwhile Yrujo's conduct became so offensive that correspondence with him was suspended, and a member of the Cabinet was designated to wait upon him, then in Philadelphia, and ascertain whether he was not soon going away, and give him to understand his presence in Washington would not be agreeable. But the hint had the reverse effect on the hidalgo, for he forthwith appeared in the capital. Secretary Madison at once sent him a note stating that the President had charged him to signify to the diplomat that his presence in Washington was dissatisfactory to him, and while he would not insist on his leaving the United States during the inclement season (then January), he would expect him to go soon thereafter. On the next day, January 16, he replied to Madison that he had a legal right to be there, and said: "I intend remaining in the city, four miles square, in which the government resides, as long as it may suit the interests of the king, my master, or my own personal convenience." He followed this up by another note still

more defiant and insulting, sent copies of the correspondence to all his colleagues, and caused it to be printed in the newspapers.[1]

Merry reciprocated his friendly support during his *pêle-mêle* quarrel with the President, and did what he could to strengthen him in his claim of privilege of residence as the representative of his sovereign. The Cabinet consulted, examined the law and precedents, and decided that he could not be expelled without giving Spain a cause of war. John Quincy Adams, then a senator, in noting the excitement the event occasioned in the Cabinet and Senate, records in his diary: "The Marquis' letters . . . seem to have frightened many of them so that probably nothing will be done." Yrujo continued to defy the administration, and found the Federalist newspapers freely open for his abuse of it. He lingered in the country for another year, and was finally transferred by his government to a post in Europe.

Madison's personal troubles with the diplomatic corps were not to end with his services as Secretary of State, for soon after he became President he had another diplomatic quarrel on his hands. At the time Merry was being appointed, the British Foreign Office, following a custom in vogue in European courts, consulted our minister in London, suggesting that the king would name him or a Mr. Francis James Jackson, a person of experience in the service. Mr. King reported to the State Department that Jackson was "positive, vain, and intolerant,"[2] and that he had indicated a prefer-

[1] For correspondence, see 3 Wharton's Digest, 868–880.

[2] King to Madison, April 10, 1802. MSS. State Dept.

ence for Mr. Merry, " a plain, unassuming, and amiable man." Merry's stormy career in Washington hardly bore out this prognostication. But the coming of Jackson was only deferred, as fate had reserved him for us to a later day. He came in 1809, a very critical time in our relations with Great Britain, and his conduct showed that our minister in London had not misjudged him.

He had hardly landed before he began to show his temperament. Within a week after he reached Washington he addressed the Secretary of State a note, which in effect charged the government with falsehood and duplicity. After receiving a reply explaining the conduct of the government, which should have led to a retraction on his part, he reiterated the charge in even more offensive language. While this correspondence was in progress, he withdrew the legation and his family from Washington to Baltimore, and thence to New York, on the alleged ground that he was threatened with mob violence. It also appears that he reported to his government that he was treated at the President's table "with marked indifference, if not studied insult."[1] It does not seem that either of these statements had any just foundation of fact, but it served the minister's purpose to aggravate the situation between the two countries. The Secretary of State, on receipt of his last offensive note, informed him that his recall would be asked of his government, and that no further communications would be received from him.[2]

[1] 10 Allison's Hist. Europe, 651.

[2] For official correspondence, see 3 For. Rel. 651.

The subject of his dismissal was the theme of violent discussion in the party press, and occasioned a lengthy debate in Congress. A resolution was introduced in the Senate reprobating the conduct of Jackson, and approving the course of the executive, in which body it was passed almost unanimously; but in the House, the Federalists, thinking to manufacture capital out of it, made a strenuous opposition to its passage, resulting in tedious days of debate and obstruction, and, finally, after a continuous session of nineteen hours, it was adopted by a vote of 72 to 41.[1] Mr. Jackson, undaunted by his dismissal and the disapproval of Congress, not only remained in the country for some time thereafter, but, taking advantage of the heated party differences, visited Boston and other cities, where he was fêted by the Federalists, and treated by many of them with distinguished honors bordering on disloyalty.[2]

In the case of Merry the administration created a needless estrangement of a foreign representative for want of tact, if not good manners; but in the case of Jackson the President and his secretary were entirely

[1] The debate will be found in Annals of Congress, 11th Congress, Part I., 1809–10, in the Senate, pp. 481, 484–509; in the House, pp. 747–1152.

[2] Mr. Jackson's account of his mission to the United States, with some racy comments on social and official customs at Washington, will be found in The Diaries and Letters of Sir G. Jackson, London, 1872, under the title of Bath Archives, freely quoted in 1 Wharton's Digest, pp. 714–718.

Detailed narratives of the troubles with Yrujo, Merry, and Jackson, with quotations from the unpublished archives of Spain, Great Britain, and France, will be found in 2 H. Adams's Hist. U. S., chap. 11 for Yrujo, chap. 16 for Merry, and vol. v., chap. 6 for Jackson. Most of the quotations in the preceding pages will there be found.

in the right, and there is reason to infer that the minister was inspired by his government to this unseemly and hostile conduct. These cases have been followed by a number of others in our diplomatic history, and they illustrate the importance of a proper regard for the amenities of social intercourse in public life, which many Americans are prone to treat too lightly.

The conspiracy of Aaron Burr, one of the exciting events of Jefferson's term, is mainly of a domestic character, although it involved infringement on Spanish territory, and it cannot be treated at any length by me at this time. I limit myself to referring to the relation which several of the foreign representatives at Washington sustained to it. As early as 1804, a month after his duel with Hamilton, and while still Vice-President of the United States, Burr put himself in communication with Merry, the British minister, only a few months after this diplomat had emerged from his controversy with the President and Secretary of State over table manners. Merry listened eagerly to Burr's scheme, and repeated it in full to his government, together with a proposal made to him by the Vice-President. The latter was "to lend his assistance to his Majesty's government in any manner in which they may think fit to employ him, particularly in endeavoring to effect a separation of the western part of the United States from that which lies between the mountains in its whole extent." Burr had enlisted in his project a British army officer, Colonel Williamson, who, the minister reports, was to go to London in a few days to lay all the details before the ministry.

During the next year Burr's scheme had so far ripened that he communicated to Merry his plan of campaign, which was that while he organized his forces in the West, the British government was to provide a loan of a half million of dollars, and dispatch a fleet to the mouth of the Mississippi to coöperate with his land expedition on New Orleans, the French inhabitants of which, Merry reported, were ready for revolt. The minister was evidently deeply enlisted in the conspiracy, but in his dispatches, sent in triplicate and marked "most secret," having in view Burr's profligate character, he made this caution: "I have only to add that if strict confidence could be placed in him, he certainly possesses, perhaps in a much greater degree than any other individual in this country, all the talents, energy, intrepidity, and firmness which are required for such an enterprise." The British ministry at first seemed to entertain the proposals, but Mr. Pitt finally decided that he had more important business on hand, and left the matter to remain without action in the Foreign Office. Burr, however, continued his secret intercourse with Merry, and, according to his reports, tried to quicken his interest by threatening that if Great Britain did not soon respond to the proposals of himself and associates, they would, "though very reluctantly, be under the necessity of addressing themselves to the French and Spanish governments then at war with England. He added, however, that the disposition of the inhabitants of the western country, and particularly Louisiana, to separate themselves from the American Union was so strong that the attempt might

be made with every prospect of success without any foreign assistance whatever; and his last words to me were that, with or without support, it certainly would be made very shortly."

Burr, having his patience exhausted waiting for the action of the British government, finally turned to the Marquis Yrujo, who was just as ready to encourage the conspiracy and make trouble for Jefferson as his British colleague, but having a better knowledge of American politics, did not, at the beginning, regard the scheme or its chief as likely to lead to the success anticipated. He was first waited upon by Dayton, an ex-senator from New Jersey, one of Burr's associates, who informed him of the negotiations in progress with Merry, sought to awaken his jealousy of England, and threatened him with the loss of Florida unless his government lent support to the project, and especially advanced some money. Yrujo did furnish Dayton a few thousand dollars, sent full reports of Burr's plans to his government, and encouraged their hopes. Finally Burr himself sought Yrujo, and he wrote to his ministry in Madrid: "The communications I have had with him confirms me in the idea, not only of the probability, but even of the facility, of his success, under certain circumstances. To insure it, some pecuniary aid on our part, and on that of France, is wanted." Thenceforth Burr and Dayton made frequent visits to the marquis, but when they found they could get no more money, they ceased their calls.

The French minister, General Turreau, was early informed of Burr's conspiracy, possibly having learned of

it from the French delegates from Louisiana, who were in Washington in 1805 asking for a recognition of their political rights, of which they claimed they had been deprived in violation of the treaty of purchase. Burr had taken advantage of their discontent, and sought to enlist them in his cause, but it does not appear that he had any personal intercourse with the French minister. The latter, however, knew of Burr's negotiations with the British minister, and kept Talleyrand fully advised of the details and progress of them.

The foregoing facts, which have in most part come to light of late years through access to the unpublished archives of the Foreign Offices of London, Madrid, and Paris, make clear the scope of Burr's conspiracy, and are convincing proofs of his guilt. But they also show that foreign representatives, accredited to our government and enjoying its hospitality, were engaged in promoting the conspiracy, and did not scruple to encourage the dismemberment of the Union.[1]

An event of the French negotiations under the Adams administration was twice recalled during Mr. Jefferson's term in a way which gave to it more than the momentary interest to which at the time it seemed fated. After the three envoys of the United States had left France in 1798, diplomatic relations sundered, the X Y Z correspondence published, Washington called to the command of the army, and while the country was clamoring for war, a worthy gentleman of the Society of Friends, George Logan, of Philadelphia, a gentleman of wealth and social standing, impelled

[1] For details and quotations, see 3 H. Adams, chaps. 10, 11.

by an ardent desire to preserve the peace of the two nations, conceived the idea of undertaking a self-constituted mission to Paris. Being an ardent Republican he went armed with letters from Jefferson and Governor McKean, of Pennsylvania, and left the country without a passport. He was hailed by the French newspapers as a messenger of peace, was received by Talleyrand, and feasted by members of the Directory. He brought back with him certain verbal assurances that France was ready to treat with the United States on a proper basis, and was the bearer of a number of letters. He waited upon the Secretary of State, Mr. Pickering, who received him very curtly, and refused to examine his papers. He then sought an interview with Washington, who treated him with cold civility, and strongly condemned his mission.

Washington prepared a memorandum giving a detailed account of this interview, and, as it reveals a phase of his character not often published, an extract is given with italics as written. He was notified by his secretary that some callers desired to see him, but no names were sent up. "I went down, and found Rev. Dr. Blackwell and Dr. Logan there. I advanced towards and gave my hand to the former; the latter did the same towards me. I was backward in giving mine. He possibly supposing from hence, that I did not recollect him, said his name was Logan. Finally in a very cool manner and with an air of marked indifference, I gave him my hand, and asked *Dr. Blackwell to be seated;* the other *took* a seat at the same time. I addressed *all* my conversation to Dr. Blackwell; the other

all his to me, to which I only gave negative or affirmative answers, as laconically as I could, except asking him how Mrs. Logan did. . . . Dr. Blackwell took his leave. We all rose from our seats, and I moved a few paces towards the door, expecting the other would follow also. Instead of which he kept his ground. . . . I remained standing, and showed the utmost inattention to what he was saying. . . . This drew my attention more particularly to what he was saying, and induced me to remark, that there was something very singular in this [object or hope of his mission]; that *he*, who could only be received as a private character, unarmed with proper powers, and presumptively unknown in France, should suppose he could effect what three gentlemen of the first respectability in our country, specially charged under the authority of the government, were unable to do."[1]

The judgment of the country on Dr. Logan's mission was that, though influenced by worthy motives, his conduct was an unwarranted intrusion in affairs of state, and he had compromised himself and his political friends without any benefit to the nation. At the next session of Congress, on the suggestion of the Secretary of State, a law was passed, known as the Logan Act, still in force, subjecting to fine and imprisonment any citizen of the United States holding correspondence with a foreign government or its agent, with intent to influence the measures of such government in relation to disputes or controversies with the United States.[2] Dr.

[1] 14 Writings of Washington, 130. Memorandum Nov. 13, 1798.
[2] U. S. Revised Statutes, sec. 5335.

Logan was afterwards elected a senator from Pennsylvania, and was highly esteemed by his friends and party associates.

The first known breach of the Logan Act occurred in Jefferson's presidency. The United States was urging upon Spain a settlement of the claims of citizens of the United States, and among them the claims for seizure of American vessels in Spanish ports during the Anglo-French war. As to these latter claims, Yrujo had consulted five of the first lawyers of the United States, and they had given him written opinions that they were not well founded. When the claims were being pressed by the American minister at Madrid in 1803, he was confronted with these opinions. The correspondence attending the negotiations was sent to the Senate and the names of the lawyers were revealed.[1] This at once created a storm of indignation, and the action of the lawyers was referred to a committee, which brought in a resolution directing the President to institute proceedings against them under the act. The Secretary of State, in an instruction to the American minister in Madrid, likewise held that their conduct was illegal; but some of these lawyers were leading members of the dominant party, and all of the highest standing in their profession, and no action was taken on the resolution.

The second time that this statute was brought into notice was a few years later, when the affairs of the Chesapeake and other vexatious questions were the subject of negotiations with Great Britain. Picker-

[1] 2 For. Rel. 605.

ing, Adams's dismissed Secretary of State, upon whose recommendation the Logan Act was passed, then a senator from Massachusetts, entered into secret communication with George Rose, who had been sent to Washington by the British ministry on a special mission to adjust these differences. He gave the special envoy to understand that Jefferson was not supported by a large party in the United States, and he sought to stiffen the minister in his attitude, with assurance that in time the country would reverse Jefferson's policy. He said: "You have only to travel to Boston to find out that our best citizens consider the interests of the United States interwoven with those of Great Britain, and that our safety depends on hers." Rose's mission failed, but before he returned to London Pickering arranged with him the means of carrying on a secret correspondence. Pickering's conduct does not appear to have been made public at the time, but the political practices of the day were such that a senator could hardly have been convicted under the statute. His intense partisanship may be seen in his published declaration a few years earlier that before Jefferson's term was concluded the Federalists would "curse the day which detached them from the milder government of the mother country."

I am not aware that any convictions have occurred under the Logan Act, but it has several times in late years been appealed to, or held *in terrorem* over supposed offenders or obstructors of the government's policy. Only a few years ago a secretary of state was in discussion with the Mexican government respecting

the applicability of the civil or Roman penal law to offenses committed in the United States when the American offender came into Mexican territory. The question became the subject of newspaper discussion, and a prominent member of the Foreign Affairs Committee of our Congress, in an interview, expressed doubts as to the correctness of the secretary's position. Whereupon the congressman was warned through the press that his expression of such opinion made him liable to prosecution under this statute. This, it must be confessed, was carrying the law beyond its proper limits.

Jefferson approached the close of his term of service as President under circumstances quite different from his peaceful entrance into the office. The relations with Great Britain were of such a serious character as to indicate none other than a warlike settlement. And yet with his embargo and other peaceful expedients he was laboring to avoid the contest. He was essentially a man of peace. In 1807 he wrote: "Wars and contentions, indeed, fill the pages of history with more matter. But more blest is that nation whose silent course of happiness furnishes nothing for history to say. This is what I ambition for my country." He never fully realized the danger of war with England. His early formed antipathy for that country had led him to underestimate the tenacity of purpose and the patriotic impulses and pride of her people. But when under the extraordinary situation he assembled Congress in special session in November, 1808, it became apparent that his policy of peaceful resistance would

not attain its object, and did not commend itself to his countrymen. The winter of 1808–09 was to him one full of trouble and anxiety, as it was manifest he was sacrificing his well-earned popularity in his earnest desire for peace.

On the 4th of March, 1809, he closed his official career forever. It was in its political aspects unparalleled. No other of our public men has so fully impressed his personality upon the country. No one has had so great an influence in moulding the political sentiments of his countrymen. He had serious defects of character, but through these shine resplendent his devotion to democratic principles and an unfaltering faith in the people In his last annual message, addressing his fellow-citizens through Congress, he said: "I trust that in their steady character unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness." [1]

[1] 1 Richardson's Messages, 456.

CHAPTER VII.

ADMINISTRATIONS OF MADISON, MONROE, AND J. Q. ADAMS.

James Madison, who, as Secretary of State, had conducted the foreign relations of the government for the past eight years with only a fair degree of success, was regarded as the legitimate successor of the great Republican chief, and was chosen President with little opposition. The responsibilities of administration, from which Mr. Jefferson had so gladly escaped, were fated to press heavily upon him. The embargo which so greatly embarrassed the country had proved a failure, and he was confronted with the very troublesome questions with England inherited from his predecessor, which were destined to bring him great anxiety, and, finally, much against his inclination and wishes, to plunge the nation into another war with the mother country.

His choice for Secretary of State should naturally have fallen upon either James Monroe or Albert Gallatin. The first had recently returned from the London mission, and the other, as Secretary of the Treasury under Jefferson, had shown himself the most able and influential member of the Cabinet. But the President felt that, in the peculiar condition of affairs, he must

"strengthen himself with the party," and he was led to select a man for the head of the Cabinet, Robert Smith, of Maryland, who had no special fitness for the post, but whose brother was a senator, and the family influential in political and financial circles; but he failed in his object. Gallatin was continued in the Treasury, and the two brothers Smith conspired with a coterie of friends to obstruct important financial legislation out of jealousy of Gallatin. Their opposition soon extended in a covert manner to the President, threatening to make a serious breach in the administration ranks. Finally Mr. Madison determined upon a change in the Department of State, and, in order to bring it about with as little injury as possible to his party, tendered Mr. Smith a diplomatic appointment in Europe; but the latter, after considering it for some days, declined the offer, resigned in high temper, and issued an address to the people. The event resulted in a violent newspaper wrangle, but the unfaithfulness of the secretary was so fully exposed that the country heartily indorsed the President's action. In a memorandum written at the time of Smith's forced resignation, April, 1811, Mr. Madison gives full details of the event, and states as the reason for the former's displacement, his outside criticism of the President, and an inefficiency in managing his department, which threw additional work on the President' shoulders.[1]

In filling the vacancy he turned instinctively to his old friend James Monroe. The latter had cherished aspiration for the presidency on the retirement of Jef-

[1] 2 Madison's Works (ed. 1865), 495.

ferson, and a party of adherents had sought to press his candidacy against Madison. Out of this had been engendered a coolness between the two Virginians, but no break in their friendship had occurred. Soon thereafter Monroe had been elected governor of Virginia, and was filling that important office when Madison approached him with old-time cordiality and frankness, and asked him to accept the vacancy in the Department of State. The critical condition of our affairs with England was such that he could not resist the call. He was a man of a different mould from Smith, and the President suffered no longer from intrigues and unfaithfulness in his Cabinet. Monroe was well fitted by political training and diplomatic experience for the post. We have already had occasion to refer to his two missions to France, his mission to Spain and to England. Although he had not achieved much success in these courts, his failure is to be attributed more to adverse circumstances than to his own shortcomings. Lord Holland, who was brought much in contact with him, both officially and socially, during his residence in London, gives this estimate of him: "He was plain in his manners and somewhat slow in his apprehension; but he was a diligent, earnest, sensible, and even profound man."

As secretary under President Madison he henceforth bore the burden of the diplomatic controversy which led up to the war of 1812. It would be a tedious work to attempt a narration of the causes and circumstances which occasioned that conflict, but the questions of international law involved, and which were finally

submitted to the arbitrament of arms, may be briefly stated as the right of search and impressment of seamen, the principles of blockade, the rights of neutrals in war, and free ships and free goods. The subject of impressment was one of long standing. As early as 1792, Mr. Jefferson, as Secretary of State, had urged upon the British government its injustice, and stated the correct doctrine, finally accepted, that the flag of the vessel protects its crew.[1] Mr. Jay had sought to abolish it in his negotiation of 1794. The treaty of Monroe and Pinkney in 1806 was rejected by President Jefferson mainly because it contained no provision on the subject. The practice was for the British naval officers to stop American vessels on the high seas, in British or even in neutral ports, compel a muster of all the crew on deck, by personal inspection decide on their own motion and without proof that certain of the crew were either British subjects or deserters, and carry them off in irons to the British warships. The naturalization of British subjects in the United States was disregarded, and the inspection of American crews was so hasty and arbitrary that many native born American citizens, some of whom had been soldiers of the Revolution, were carried off and forced to serve in the British navy. It was stated in Congress in 1806 that at that date between 2500 and 3000 American citizens were in enforced service in the British navy. During the Napoleonic wars the British authorities were so emboldened by the necessity of a larger supply of men for their navy that New York harbor was made a base

[1] 3 For. Rel. 574.

of operations for the British squadron, which occupied itself in cruising just outside the coast line, lying in wait to overhaul and search American merchant vessels for forced recruits to its navy.

These high-handed outrages seemed to have reached their climax in the attack upon the Chesapeake, a frigate of the United States navy, in 1807. She had on board three colored native-born American seamen who were alleged to be deserters from the British navy. Their surrender had been demanded, but refused by the Secretary of State on the ground, first, that the British government had declined to enter into treaty stipulations for the surrender of deserters, and, second, because they were American citizens. The Chesapeake, not suspecting any violence on the part of the British squadron lying in Hampton Roads, passed out to sea for drill practice. She was followed by the British man-of-war Leopard, greatly her superior in armament. When outside the coast line the Chesapeake was overhauled and a demand was made for the surrender of the deserters. The demand was refused. Without an opportunity being afforded for getting the Chesapeake into a state of defense, the Leopard opened fire, and in twelve minutes the Chesapeake was rendered helpless, the crew was mustered by the British officers, and three Americans and one British subject was taken off, and the disabled American frigate was left to find her way back into port as best she could.

The affair occasioned intense excitement, and a demand for instant war was raised, notwithstanding the utter unpreparedness of the country. The British min-

istry, however, disavowed the act as unauthorized, recalled the commanding officer, tendered indemnity for the killed and wounded and a surrender of the three Americans. The government of the United States sought to couple with these a relinquishment of the right of impressment, and this affair remained a source of negotiation and irritation for some time.[1] Madison, writing just before the affair of the Chesapeake, said of visitation and impressment: "That an officer from a foreign ship should pronounce any person he pleased on board an American ship, on the high seas, not to be an American citizen, but a British subject, and carry his interested decision, on the most important of all questions to a freeman, into execution on the spot, is so anomalous in principle, so grievous in practice, and so abominable in abuse, that the pretension must finally yield to sober discussion and friendly expostulation."[2] But so far from yielding to discussion and expostulation, it survived a bloody war, and was not surrendered as to visitation till many years afterwards.

Equally among the causes of the war were the paper blockades decreed by France, and by Great Britain in retaliation, in utter disregard of neutral rights, and to the great damage of American commerce. They began with the Berlin Decree, issued by Napoleon, declaring the British Isles in a state of blockade, and prohibiting all commerce with them. This was followed by the British Orders in Council, forbidding all neutral trade with France or her allies, unless through Great Britain.

[1] For affair of the Chesapeake, see 2 Schouler, Hist. U. S. 164.

[2] 2 Madison's Works, 405.

Napoleon retaliated with his Milan Decree, by which every vessel which submitted to search by British cruisers, or paid tax, duty, or license money to the British government, or was found on the high sea bound to or from a British port, was denationalized and forfeited.[1] These measures meant death to American commerce, and Jefferson sought to overcome them by his embargo act,[2] which brought prostration and ruin to trade in our home ports, and seems to have had little effect abroad.

For the next five years our government devoted its energies unceasingly to securing a relaxation on the part of Great Britain of the offensive practice of visitation and impressment, and on the part of the contending European nations of their war upon American neutral vessels. But in the mighty conflict of Europe the interests or the rights of the young nation across the sea received little consideration, and the current of events was fast drifting us into open war with one or both contestants. In referring to this period, Secretary Everett, in a letter to Lord John Russell, wrote: "From the breaking out of the wars of the French Revolution to the year 1812, the United States knew the law of nations only as the victim of its systematic violation by the great maritime powers of Europe."[3] Developments in the West made it appear that Great Britain, in addition to its outrages upon the sea, was contributing to stir up the hostility of the Indian tribes and furnishing them with military supplies from the government stores

[1] 2 Schouler, 156, 170, 174.

[2] Ib. 178; 1 Richardson's Messages, 433.

[3] 1 Wharton's Digest, 577.

in Canada. A party was formed in Congress known as the "War-Hawks," led by Henry Clay and John C. Calhoun, then in the flush of their young manhood, who clamored for war, insisting that we should no longer submit to the British indignities.

Congress met in the winter of 1811–12. Madison's first term was approaching its close, and if he continued in office he must, according to the usage of the day, receive his renomination at the hands of his party friends in Congress. He was a man of peace, and was seeking every honorable expedient to avoid hostilities. He could hardly have held out much longer against the clamor of the party majority in Congress for war. To even him it finally became apparent that there was no hope of maintaining our rights except by an appeal to force, and on June 1, 1812, he sent in a confidential message[1] recapitulating the conduct of Great Britain, and submitted to Congress the momentous question. His closing language was: "Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, . . . is a solemn question which the Constitution wisely confides to the legislative department of the government." The message received prompt action in the House, but in the Senate the act declaring war was much debated, but was finally passed June 18, and war was again proclaimed against our old enemy.[2]

[1] 1 Richardson's Messages, 505. The official documents relating to the war will be found in 3 For. Rel. folio.

[2] 2 U. S. Stat. at Large, 755.

The vote in the House stood 79 to 49, and in the Senate 19 to 13, thus developing a decided opposition in both houses. It does not fall within the scope of this work to trace the progress of the war, but a few of its incidents cannot well be passed over. We have seen that the New England Federalists were against the acquisition of Louisiana, and that their leader in the House announced that it threatened at no distant day the subversion of the Union.[1] When the bill for the admission of Louisiana as a State was being considered in Congress, Quincy of Massachusetts, referring to the vast enlargement of the South, made the startling declaration that the passage of the bill would be "virtually a dissolution of the Union," and that it would be the duty of his section to prepare for the separation. The embargo brought great embarrassment on New England commerce and ruin to many of its commercial houses, and much dissatisfaction was engendered thereby in that section.

One of the grievances enumerated in the acts of Great Britain which occasioned the war was a secret mission of one Henry to Boston in 1809, who was sent by Sir James Craig, British governor of Canada, to do all possible to ferment and increase the discontent in New England. Henry, not being compensated to his satisfaction by the British ministry, sold the documents relating to his confidential mission to the government at Washington, and they were sent to Congress in March, 1812, and published.[2]

So bitter was the feeling in Boston against the war

[1] *Supra*, p. 202. [2] 3 For. Rel. 545.

that federal agents soliciting loans were obliged to receive subscriptions from bankers of that city under pledge of secrecy. The anti-war party in New England received the title of "blue-light" Federalists, owing to the charge that their adherents gave night signals to the British blockading vessels off our ports. This disaffection culminated in the Hartford Convention, an assembly of delegates from the New England States, embracing some of their most able and distinguished men. Its sessions were secret, but it is clear that designs against the integrity of the Union were entertained. To this opposition Madison attributed "the source of our greatest difficulties in carrying on the war," and "certainly the greatest if not the sole inducement with the enemy to persevere in it."[1] It is a dark blot on our country's history, which only the steadfast loyalty of New England in after years has partially effaced.[2]

An incident of the war which brought everlasting disgrace upon British arms was the burning of Washington, the capital of the nation. The disgrace is the deeper because it was done under the direction and in the presence of the commanding officers, and so far as the greater portion of the buildings was concerned their destruction could not be called for as a military measure. The burning and destruction included the unfinished Capitol and Congressional Library, the Executive Mansion, the Treasury, and other department buildings,

[1] 2 Madison's Works, 593.

[2] For account of New England disaffection and Hartford Convention, J. Q. Adams's New England Federation; 8 H. Adams's Hist. U. S.

with their valuable archives, printing-offices, and many private residences. It is related that Mrs. Madison, the wife of the President, carried away and preserved the original Declaration of Independence. No one at this day defends this act of vandalism. Even at the time there were London journals which denounced it. "Willingly," said the London Statesman, "would we throw a veil of oblivion over our transactions at Washington. The Cossacks spared Paris, but we spared not the capital of America."

The American army likewise gained little glory out of the British expedition against Washington and Baltimore, but it has left us one trophy out of the British repulse in the assault and bombardment of Fort McHenry — our most popular national song, "The Star-spangled Banner."

This war is one of the most singular in history in its diplomatic aspects. Seldom has a war been entered upon which involved so many questions of international law, and yet it was concluded without the settlement of a single one of the issues upon which it was fought; nevertheless, its conclusion was hailed with pleasure and satisfaction by both nations.

The negotiations which resulted in the treaty of peace are interesting because of the distinguished men representing the United States, and of the singular character of the results just indicated. The American commissioners were John Quincy Adams, Henry Clay, Albert Gallatin, James A. Bayard, and Jonathan Russell. Mr. Adams was recognized as our most experienced diplomat. Mr. Clay had been the leader of the

war party in Congress, and in the exuberance of his young statesmanship had, at the opening of the war, talked about dictating peace at Quebec or Halifax. Mr. Gallatin was then Secretary of the Treasury, a post he had also filled through Jefferson's administration with distinguished ability, probably the most able of the administration leaders, and an opponent of the declaration of war. Mr. Bayard was a Federalist member of the Senate of recognized influence, in which body the family has had an honored representative almost continuously to our day. Mr. Russell had served as chargé d'affaires in Paris, was acting in that capacity in London at the outbreak of hostilities, and when made a peace commissioner was minister to Sweden. Never has our country been represented abroad by a commission of men of more varied experience or distinguished services.

The negotiations took place at Ghent, and continued through the last four months of 1814. The British commissioners were haughty and overbearing, and seemed implacable in their demands; but the weary and anxious months were interspersed with formal dinners and the exchange of cheerless courtesies. The task of winning over the British to an agreement was hardly less difficult than that of reconciling the differences of the American commissioners. Adams and Clay, although utterly distinct in temperament, had one thing in common — an irascible disposition. Adams was severe and uncompromising in his opinions, and Clay was hasty in judgment and free of speech, and the two kept the councils of the Americans in a fer-

ment, bordering on a perpetual wrangle. Gallatin's time and efforts were chiefly occupied in pouring oil on the troubled waters and bringing the contestants to a united front before the opposing plenipotentiaries. Mr. Adams in his diary records with much minuteness the progress of the negotiations and these internal discords. He complains that every paper he drafts is mercilessly treated by his colleagues. Mr. Gallatin would strike out everything offensive to the Englishmen; Mr. Clay would draw his pen through every figurative expression; Mr. Russell would further amend every sentence; and Mr. Bayard would, finally, insist on writing all over again in his own language. The following are some of the entries in his diary: "October 31, Mr. Clay is losing his temper, and growing peevish and fractious." Later, "Mr. Clay lost his temper (to-day), as he generally does whenever the right of the British to navigate the Mississippi is discussed." Again: "They [his colleagues] sit after dinner and drink bad wine and smoke cigars, which neither suits my habits nor my health, and absorb time which I can ill spare." He even records that one morning, as he rose at five o'clock to light his own fire and begin his day's work by candle-light, he heard the party breaking up and leaving Mr. Clay's room, where they had spent the night in card-playing.[1]

When the commissioners on both sides met it became apparent that the great questions which had brought on the war could not be settled by treaty. Hence the subject of impressment was not introduced, nor was

[1] For Adams's diary on the peace negotiations, 3 Memoirs, chapter 9.

any effort made to define the matter of blockade or to regulate and protect neutral trade. An effort on the part of the British commissioners was made to enforce what is known in international law as *uti possidetis*, the holding by the belligerents of the territory occupied by their respective armies at the end of the war; they likewise sought to erect a neutral Indian territory out of a large section of the Northwest Territory of the United States, but they were given to understand that both propositions were wholly inadmissible. On the part of the American commissioners an attempt was made to secure a relinquishment of its claim of the free navigation of the Mississippi, and a recognition of our fishery rights as fixed by the treaty of 1783. But all efforts in that direction had, likewise, to be abandoned.

An end finally came to all the internal wrangles and open conferences. Influences were at work with both governments more persuasive to peace than diplomacy. Secretary Monroe, under the direction of President Madison, who recognized the earnest desire of the country for peace, instructed the American commissioners to recede from all their demands and accept the *status ante bellum*. The British cabinet, owing to its financial straits and its continental complications, gave instructions to the British commissioners of the same character; and there was little at last for the negotiators to do. When the treaty was drawn up for execution it contained not a single provision respecting the issues which occasioned the war. Mr. Clay declared it was "a d—d bad treaty," and thought he would not sign it, but he did; and he and his colleagues returned

home to receive the plaudits of their countrymen. The signatures were attached to the treaty on Christmas eve, and the year closed with the exchange of social civilities, the burghers of Ghent entertaining their distinguished guests with a banquet, at which it is related the band played constantly, in turn, "God Save the King" and "Hail Columbia."

Late at night, on February 11, 1815, a British vessel reached New York, bringing a copy of the treaty of peace already ratified by the British government, and the welcome news soon spread throughout the city. People ran about the streets shouting their delight, and expresses were dispatched throughout the country spreading the joyful intelligence, before it was known what were actually the terms of peace. The news reached Washington concurrently with that of General Jackson's overwhelming triumph at New Orleans, and the country was quite content to close the war under such a flush of victory. The Thirteenth Congress was just closing its sessions, and in its great satisfaction with the deliverance from further foreign strife and internal dissension, passed a joint resolution recommending to the country a day of thanksgiving to Almighty God "for his great goodness manifested in restoring to these United States the blessings of peace." [1]

While the American negotiators were able to secure little more than the formal peace stipulations in their treaty, it is a gratification to know that they were fully equal to their British colleagues in diplomatic skill or political acumen. Wellington declared in the House

[1] 3 U. S. Stat. at Large, 250.

of Lords that the American commissioners "had shown a most astonishing superiority over the British during the whole correspondence." It was something, in the presence of such a powerful antagonist, to have yielded nothing; and to the credit of our government and our plenipotentiaries be it said that every principle for which they contended against Great Britain has since been accepted by that nation as a recognized principle of international law or of governmental practice. Only a few years after the war the Lord Chief Justice of England declared that "the orders in council were grievously unjust to neutrals, and it is now generally allowed that they were contrary to the law of nations and our own municipal law." [1]

The results of the war as a whole may be regarded as of much benefit to the country. Our army gained little glory on land, but our small navy had shown that it possessed the courage to meet "the mistress of the seas," and was able, even against odds, to achieve victory. We had shown that no nation, however powerful, could trespass with impunity upon what we claimed as our rights, and that we were prepared to draw the sword against any antagonist in defense of our national interests. Of the United States the London Times said in 1817: "Their first war with England made them independent; their second made them formidable." Thenceforth to this day none of the nations of the earth have seen fit to begin against us an aggressive war.

The United States had against Great Britain just

[1] 1 Wharton's Digest, 577.

cause of war, and it was only by an appeal to arms we could vindicate our proper position among the nations. But in the natural indignation at our national wrongs, we are hardly inclined to give England even scant credit for the circumstances which forced her to such high-handed measures of self-protection. She was engaged in a life-and-death struggle with Napoleon, whose triumph over England meant not merely the supremacy of French arms, but the complete suppression of liberal principles and free government in Europe. He represented the worst type in modern times of absolutism and military tyranny. Napoleon began the reprisals on neutral commerce and England followed his example with retaliation. She needed every possible seaman to maintain the right arm of her power, and she studied little the interests of her late rebellious colonies in attaining her end. Justly as we resented our national grievances, we rejoice that the European struggle, into which our country was finally drawn, resulted in the overthrow of Napoleon and the maintenance of liberal government and English institutions.

No one welcomed the return of peace more than President Madison. He entered upon the war with great reluctance and proved ill fitted for such times. The remainder of his term was a grateful period of peace abroad and reviving prosperity at home. The finances had become greatly embarrassed by the war and specie payments had been suspended throughout the States. It was his good fortune to close his administration with the remission of the war taxation, the resumption of specie payment, and commerce and trade

resuming their former prosperity. There was no difficulty in transferring the government to his faithful secretary, Mr. Monroe, who became President with little opposition. To the venerable John Adams, ambitious for the advancement of his son to the high post, this continuous succession of Virginians became wearisome, and he exclaimed: "My son will never have a chance until the last Virginian is laid in the graveyard."

Mr. Monroe, on becoming President, selected as his Secretary of State John Quincy Adams, whose long career is unique in the history of our government, and especially so in its relations to our diplomacy. At the age of eleven he accompanied his father on his diplomatic mission to Europe, and early acquired a knowledge of French and German. When only fourteen he went to St. Petersburg as private secretary to our minister, Mr. Dana. At sixteen he served as one of the secretaries of the American plenipotentiaries during the negotiations resulting in the treaty of peace and independence of 1783. At the age of twenty-seven he was appointed by Washington minister to Holland, and afterwards was minister to Berlin and commissioner to Sweden. After serving for some years in the United States Senate he was sent in 1809 as minister to Russia, where he remained till 1815, and was then transferred to London, where he resided till 1817, when he became Secretary of State. His career as President and his long service and tragic death in the national House of Representatives are familiar history.

He had a busy life during his eight years' occupancy of the State Department. No man ever entered the

department better equipped for his duties, none labored more assiduously, and few more successfully for his country. The events which most distinguished his service were the enunciation of what is known as the Monroe Doctrine, and the making of the Spanish-Florida and Russian treaties. This period (1817 to 1825) covered also the revolt and independence of the Spanish-American colonies, which brought to Mr. Adams many perplexing questions, greatly embarrassed by the threatened interference of Congress. Much of the time also our relations with Great Britain were not cordial, and his intercourse with and treatment of the resident British ministers, as recorded in his diary, are full of interest. The same temperament which was shown at Ghent on the peace commission was exhibited when the British representative at Washington manifested too aggressive an attitude, as was not uncommon in the early days of our government. This temperament may have served a good purpose under provoking circumstances, and in the latter years of his useful life was somewhat modified, but it was a serious obstacle to his personal advancement. One of his biographers says: "Never did a man of pure life and just purposes have fewer friends or more enemies. . . . If he could ever have gathered even a small personal following, his character and abilities would have insured him a brilliant and prolonged success; but for a man of his calibre and influence, we see him as one of the most lonely and desolate of the great men of history." [1]

The close of the second war with Great Britain left

[1] Morse's Life of J. Q. Adams, 11.

on the Great Lakes a considerable naval force of both nations, which, with the return of peace, it was found desirable should be greatly reduced, if not entirely dispensed with. By an exchange of diplomatic notes it was accordingly agreed in 1817 that thenceforth the two governments would maintain not more than one vessel on Lake Champlain, one on Ontario, and two on the upper lakes, of not more than one hundred tons each, and armed with one eighteen-pound cannon. This fact is here mentioned because it illustrates two points of interest as to international stipulations: First, that these may take other forms than those of a formal treaty or convention; and, second, that even treaty stipulations may become obsolete by time and changed circumstances of the contracting countries. In the volume of "Treaties of the United States," published by the State Department, the stipulation for disarmament on the lakes is called an "arrangement," and appears in the form of a simple note from the British minister stating the willingness of the British government to reduce the naval force on the Great Lakes to the limits mentioned, and of a note in reply from the Secretary of State agreeing to the reduction in the terms stated. Some time afterwards these two notes were submitted to the Senate, and it recommended that the "arrangement" should be carried into effect, whereupon the President issued a proclamation reciting the terms of the two notes, the approval of the Senate, and the sanction of the Prince Regent of Great Britain; and it has since that day been recognized as a binding obligation by both governments.[1]

[1] For official documents, 4 For. Rel. (folio) 202–207.

At the time this arrangement was entered upon steam and iron were not used in naval construction, there was no canal outlet to the ocean, and there was little commerce or population on the lakes. A great transformation has since occurred in that region. Revenue cutters of much larger tonnage were found to be needed for the enforcement of the customs laws, and it was held that a fair construction of the arrangement did not forbid these, even though carrying armament. During the Canadian rebellion and our Civil War the terms of the arrangement were temporarily disregarded by each party in turn without serious complaint, the exigencies of the time being recognized. The United States has for some years past maintained a naval vessel on the upper lakes for training purposes much above the tonnage prescribed. One of the stipulations was that no other vessel of war should be built or armed on these lakes. This provision has been held to be a prohibition against any vessels being there built for the American navy to be taken through the canals to the sea, thus depriving the large shipyards on the lakes of the privilege of bidding for the construction of naval vessels, although it could hardly have been the intent of the negotiators of the arrangement. It is so manifestly obsolete and unsuited to our times that the two governments have agreed to submit it to a complete revision by the British-American Commission constituted to adjust Canadian questions.

One of the subjects left unsettled by the treaty of peace of 1814 was the northeast fisheries on the coasts of Canada and Newfoundland. In the past

century and a quarter no international question has been so often before the American people, and none has proved more irritating or difficult of a satisfactory solution. The effort of the British ministry to deprive the New England colonies of participation in these fisheries was one of the moving causes of the war of the Revolution. We have seen how strenuously the American negotiators of the treaty of peace and independence of 1783 contended for and secured the right which they had enjoyed as colonies. Between that period and the war of 1812 the business of fishing had grown to very large proportions, and had become one of the most important industries of the country. Fifteen hundred American vessels had been known to be fishing at one time on the coast of Labrador alone. But all this came to an end with that war. Our commissioners at Ghent, and especially John Quincy Adams, labored most persistently to secure an express stipulation in the treaty of peace recognizing the binding force of the provision in the treaty of 1783, but the British commissioners claimed that it had been lost by the war, and they refused to revive it by the treaty of peace.

Soon after the termination of hostilities the New England fishermen sought to reëstablish their old business, but the British authorities, instigated by the Canadian fishermen, began to warn the American vessels away, and finally to seize them. This brought about a remonstrance from the American government, which was followed by a lengthy correspondence, in which it was contended by John Quincy Adams, as

resident minister in London, and afterwards as secretary of state, that, as the treaty of 1783 was one of independence and partition of sovereign rights, it was permanent in its character, and that the fishing rights therein secured could no more be annulled by war than our independence.

The British government would not accept this contention, but signified its willingness to enter upon negotiations with a view to some settlement. Mr. Richard Rush was our minister to England, and with him in the negotiations was joined Albert Gallatin, at the time minister in Paris, a man of much political wisdom, and possessed of the full confidence of the administration. The result of their negotiations was the treaty of 1818, the first article of which fixed the American rights as to fishing in British-American waters. It was a material retrenchment of the privileges contained in the treaty of 1783. It gave Americans the right to fish in certain specified territorial waters off the coasts of Labrador and Newfoundland, and to dry and cure their catch on certain of these coasts; but they renounced their former privileges as to all the other waters and coasts of Canada. They were, however, granted the privilege to resort to those waters for four purposes, to wit, shelter, repairs, wood, and water.[1]

When this treaty was made the British government reserved the commerce and trade of its colonies exclusively for its own vessels, and the four privileges just enumerated were in the nature of a special concession

[1] For official correspondence, 4 For. Rel. 348–407.

to fishing vessels. But in 1830, and subsequently, by means of concurrent legislation and executive proclamations, the former condition of trade was changed, and the ports of the British colonies and of the United States were opened to the free commerce of vessels of both nations. Thereupon the New England fishermen claimed they were entitled to the same rights for their vessels in Canadian ports as were granted to other American vessels, such as the right to purchase supplies and bait, to land and transship cargoes and ship crews. The government of the United States has maintained this contention for many years, but it has been persistently refused by the Canadian and British governments. The question was held in abeyance during the operation of the reciprocity treaty of 1854, again during the operation of the fishery clauses of the treaty of 1871, and it was sought to be settled by the Bayard-Chamberlain treaty of 1888, which was rejected by the Senate.

The treaty for the purchase of Louisiana left undefined the western boundary with Mexico and the eastern boundary with Florida, and both were soon a matter of dispute. That treaty presents the anomaly of transferring from one sovereignty to another a territory of immense extent without any pretense of setting forth its boundaries. When pressed by the American commissioners to perfect the treaty in this respect, Napoleon's answer was that he could only transfer what he had received from Spain, and in its terms, and he therefore directed that there should be textually embodied in the treaty the description contained in the

cession from Spain, which is as follows: "His Catholic Majesty promises and engages on his part to cede to the French Republic . . . the colony or the province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states." When Napoleon's attention was called to the obscurity in the article on limits, and the inconvenience which might arise from it, he replied: "If an obscurity did not already exist, it would perhaps be good policy to put one there."[1]

The eastern boundary with Florida could not be accurately delineated from the terms of the cession just quoted, but it was manifest to President Jefferson that the acquisition of that Spanish possession was a natural consequence of that of Louisiana, and that it was useless to waste time in negotiations about the boundary when it would become a necessity to us to have the whole province. We have seen that he sought to carry out this idea by dispatching Monroe to Madrid in 1804, soon after the signing of the treaty of purchase of Louisiana. During the negotiations in Paris, Napoleon had promised to exert his good offices with the Spanish government to that end, but he took no further interest in the matter, and nothing came of Monroe's effort. The object was, however, kept constantly in view during both the Jefferson and Madison administrations, and was especially pressed in the latter term, in connection with the American claims growing out of the European wars.

[1] Marbois's Louisiana, 286.

When Monroe became President, renewed interest attached to the subject, both because of his intimate diplomatic acquaintance with it, and of the constant trouble and irritation occasioned by the inefficient rule of Spain over the territory. The Indians who inhabited it were a constant source of annoyance on account of their predatory excursions across the border, and it became necessary to keep a considerable portion of the American army in the vicinity to protect life and property. Added to this was the occupation of certain places in Spanish territory by bands of adventurers or freebooters, who used them as a base of operations for smuggling slaves into the United States and for violating the customs laws. These lawless acts became so flagrant, and in the face of them Spanish authority was so apparently helpless, that the government of the United States determined to take the matter into its own hands. A naval force was dispatched to Amelia Island, on the east coast of Florida, the freebooters were expelled, and the island temporarily held by the naval force.[1]

About the same time General Andrew Jackson, the hero of New Orleans, was assigned to the command of the army on the Florida frontier. His instructions were to put a stop to the Indian raids, and to that end he was authorized, if necessary in hot pursuit, to follow them across the boundary line, but he was not to interfere with any Spanish occupation or posts. With his accustomed impetuosity he soon attacked the Indians, who, according to their custom, took refuge in Spanish

[1] 4 For. Rel. 183–202.

territory, but were closely followed by Jackson, who scattered them in the swamps and destroyed their villages. Not content with this, he marched upon the adjoining Spanish post of St. Marks, seized and occupied it; and thence proceeded with his army to the principal Spanish post of Pensacola, which he took against the protest of the Spanish commandant, who sailed away with his garrison to Havana. These acts, in violation of his instructions, Jackson justified on the ground that the seized post had been used by the Indians as bases of supplies and operations, with the countenance of the Spanish authorities.

But his aggressive measures were not confined to the Spaniards. During his military operations he had captured two prominent British subjects, Ambrister and Arbuthnot, who, it was alleged, had aided and encouraged the Indians in their incursions into American territory. They were tried by a drumhead court-martial, and upon evidence which would have made their conviction before a civil court very uncertain, they were condemned to death, and, although one of them was recommended to clemency, Jackson caused them both to be promptly executed.

The general was hailed by the people *en route* to his home in Tennessee as a great hero and patriot, but we can well understand the consternation and perplexity with which the news was received in Washington. The President had been pushing as much as possible the negotiations for the peaceable acquisition of Florida, and he saw at once that unless Jackson's acts were promptly disavowed, the negotiations would not only

be broken off, but war might be the consequence. In addition to this embarrassment the British government had to be placated, as the indignation of the kingdom was awakened by the summary executions. The British Minister for Foreign Affairs said to Mr. Rush, after the difficulty had been adjusted, war might have been produced "if the Ministry had but held up a finger."[1]

The President, after a Cabinet council, decided at once to disavow the acts as unauthorized, the Spanish posts were delivered back, and the American troops withdrawn. But the discussion and decision of the Cabinet were the subject years after of warm party disputes and personal animosities. Strange to say, the only member of the Cabinet to defend Jackson's course was Mr. Adams, the experienced diplomat; but on this, as on other occasions while Secretary of State, he was only manifesting his intense Americanism, which more than ever it became the duty of Monroe to temper with discretion.[2]

The negotiations for the cession of Florida were very tedious, and Spanish subterfuges and delays often tried Mr. Adams's patience. They were also embarrassed by opposing influences in the United States. The sympathy of the American people had become strongly enlisted in behalf of the revolted Spanish colonies, which had for several years been carrying on a struggle against the mother country. Henry Clay had become their champion, and was seeking to obtain a recognition by our government of their independence.

[1] 3 Schouler's U. S. 71, 80.

[2] 4 For. Rel. 495–509; 3 Schouler's U. S. 67–83.

It had, in the presidency of Madison, granted them belligerent rights, and they had freely made use of our ports in furtherance of their military operations. In fact, the Spanish minister in Washington was kept busy in lodging complaints of the imperfect and partial enforcement of neutrality. To recognize their independence was to dismiss all hopes of a treaty acquisition of Florida, which was the matter then most desired by the administration. On the other hand, Mr. Clay contended that the recognition of the Spanish-American republics ought no longer to be delayed, and that Florida was bound in the course of events to come to us. Besides, the Jackson invasion had been a warning to Spain that unless she gave heed to the solicitations of the American government, she might lose the province by force, and with it all compensation. The argument of the situation to her was that she had better sell out than be driven out; and the treaty of cession was finally signed in February, 1819.

By its terms Florida was ceded to the United States in exchange for the assumption by the latter of all the claims of its citizens against Spain, and the sum of five millions of dollars was stipulated to be disbursed for that purpose. The treaty was also of value in that it determined by exact delineation the western boundary of the Louisiana territory. The latter was established along the Sabine River, thence to the Arkansas River, and along the 42d degree of latitude to the "South Sea," as it was called in the treaty, or the Pacific Ocean. We thus acquired our first treaty right of access to the Pacific, as the Louisiana territory never extended beyond the Rocky Mountains.

The western boundary along the Sabine River was of more present importance then, because it surrendered the claim, which had been put forward with much insistence, that Texas up to the Rio Grande was included in the Louisiana purchase. Laussat, the French prefect, who transferred the province of Louisiana to the United States, stated that the western boundary was the Rio Bravo (Grande),[1] and Mr. Jefferson, who made a careful study of the subject, maintained the same view.[2] Mr. Adams held strongly to this contention, and only yielded to the judgment of Monroe, who claimed that in due time Texas would be absorbed in the Union. The country was at that time in the throes of the Missouri slavery discussion, and the prudent judgment of Monroe was that it was not wise to complicate the acquisition of Florida with the doubtful claim to Texas, which would not fail to have the effect of strengthening the anti-slavery sentiment in the country.[3]

Adams, in signing the treaty, records in his diary that it is "perhaps the most important day of my life; . . . a great epoch in our history."[4] But he was

[1] 2 For. Rel. 575.

[2] 8 Writings of Jefferson, 242.

[3] For treaty questions, boundary, etc., 4 For. Rel. 422–625.

[4] The diary of J. Q. Adams extends through his eventful life, and is a valuable contribution to the history of his times. It will be interesting to give a fuller extract than the sentence above quoted, to indicate the spirit in which he penned his journal. This extract recalls the exaltation of the elder Adams on the signing of the treaty of peace of 1782, already cited. After giving a detailed account of the signing of the treaty, he writes : "It was perhaps one in the morning when I closed the day with ejaculations of fervent gratitude to the Giver of all good. It

destined to still further delays before the treaty became a reality. It was submitted to the Senate, promptly and unanimously ratified by that body, and presented to the Spanish government for exchange of ratifications; but the king hesitated and asked for delay. Among the causes, real or alleged, were two prominent ones. After the treaty had been practically agreed upon, the king had made grants of large tracts of lands to three of his nobles, embracing about all the public lands in the province. These grants would deprive the United States of much of the benefits expected to be derived to its treasury by the cession, and the President insisted upon a clause abrogating them. The other cause of delay was a demand on the part of Spain that the United States should more stringently enforce its neutrality laws, and should give an assurance that it would not recognize the independence of the revolted colonies. Much as the President desired the acquisition of Florida, he was not prepared to give the latter assurance.

These matters were the subject of anxious Cabinet deliberations on the eve of the assembling of Congress, and while the annual message was being prepared. The President was steering the ship of state between Scylla and Charybdis, — having a desire in his public

was perhaps the most important day of my life. What the consequences may be of the compact this day signed with Spain is known only to the all-wise and all-beneficent Disposer of events, who has brought it about in a manner utterly unexpected, and by means the most extraordinary and unforeseen. . . . Let no idle and unfounded exultation take possession of my mind, as if I could ascribe to my own foresight or exertions any portion of the event. It is the work of an intelligent and all-embracing Cause." 4 Memoirs of J. Q. Adams, 274.

utterances not to offend Spain on the one hand, nor on the other to put himself in hostility to the strong sympathy of the country for the Spanish-American republics. In the midst of the Cabinet conferences, Secretary Crawford, who was a treasure-house of anecdotes, came forward with a narration of the experience of a Georgia governor who told his secretary to make the phrase of a certain executive document "a little more mysterious." It is reported that the story created a hearty laugh around the presidential table, and the hint was evidently followed in the message, which dwelt at much length on the long and unnecessary delays of Spain in the ratification of the treaty, but gave scant and vague consideration to the revolted colonies.[1] Mr. Adams records that the President adopted his advice, "that the less said about those republics, just now, the better, for independence and recognition would come in good time."

The delay in exchanging the treaty continued, notwithstanding the prudent course of the President, and when two years had nearly passed, Adams favored occupying Florida without the ratification, but more conservative counsels prevailed; and, finally, just two years after the signature, the treaty was promulgated. There was no assurance given of non-recognition of the Spanish-American states as a condition of the proclamation of the treaty; and within two weeks thereafter President Monroe sent a message to Congress recommending such recognition, and this was favorably acted upon by Congress on May 4, 1822. It was followed

[1] 2 Richardson's Messages, 54, 58.

by a strong protest on the part of the Spanish minister, but by no more serious consequences.[1] It was several months after recognition before diplomatic representatives were appointed to the new republics, but early in 1825 ministers had been named for Mexico, Buenos Ayres, Chili, and Colombia. General Jackson was first nominated for Mexico, but suspecting it was an effort to suppress his ambition for the presidency, he declined with disdain the offer, and added a word of contempt for the usurping emperor, "the tyrant Iturbide." Adams also urged the appointment of Henry Clay as minister to Colombia, but President Monroe was not willing to appear to court the favor of so bitter an opponent of his administration.

The establishment of independent governments in North and South America, in connection with the designs of the monarchs of continental Europe to aid in their re-subjugation to Spain, led to the most important and far-reaching act of this administration, — the promulgation of what is known as the Monroe Doctrine. As this subject is complicated with other questions, and has a history extending throughout the century, I have thought best to defer its consideration to a separate chapter devoted exclusively to it.[2]

Another of the treaties negotiated under the direction of Secretary Adams was that with Russia, concluded in 1824, for the adjustment of our conflicting claims on the northwest coast of America and in the Pacific Ocean. The negotiations which led to this treaty were occasioned by the issuance, in 1821, of a ukase by the

[1] 5 For. Rel. 379, 380.

[2] See chapter xii.

Emperor of Russia, claiming the territory on that coast down to the 51st degree of latitude, and exclusive jurisdiction over the ocean for one hundred miles from the coast and islands. The claim was at once met by an earnest protest from Mr. Adams as to the pretended ocean jurisdiction, and with a statement as to certain undefined rights of the United States to territory derived from discovery, occupation, and our treaty of 1819 with Spain. The British government followed the United States with a similar protest and by certain claims as to territory on its part. These claims were adjusted by a treaty between Russia and the United States in 1824, and between Russia and Great Britain in 1825. These treaties settled the respective claims of the United States and Great Britain with Russia; but the conflicting territorial claims of the two former governments remained open until 1846, when the Oregon boundary dispute was compromised. The stipulations of the treaties of 1824 and 1825 have been invoked in the recent discussions between the United States and Great Britain as to the Bering Sea seals and the Alaska boundary.[1]

As some space has been given to the troubles of the administrations of Jefferson and Madison with the diplomatic corps growing out of Washington etiquette, it is due to Mr. Monroe to say that he was quite free from such annoyances. When he became President he saw fit to change the Jeffersonian régime at the Executive Mansion, and to return somewhat more nearly

[1] For Alaska boundary, see National Geographic Magazine, Washington, November, 1899.

towards that established by Washington at the organization of the government. The presidential drawing-rooms were reëstablished, or rather made more select, and certain social lines were observed. The President appeared sometimes on those occasions with a dress sword, as he valued his military service during the Revolutionary War; and it is reported the White House servants were in livery. When he received foreign ministers, he was attired in a half military uniform, or full dress suit of black; the diplomats appeared in their full court uniforms; and a certain ceremonious form of receiving their credentials was observed. Society at the capital had become enlarged, was more pretentious, and besides the President's official dinners, the Vice-President and Cabinet officers gave weekly dinners during the sessions of Congress, and the entertainments at the foreign legations, especially of the British and French, were particularly noted. The war had apparently wrought a change in the social demeanor of the British representative; at any rate, the arrival of Sir Charles Bagot soon after the peace inaugurated a new era in Washington society, and this minister, a man of pleasing manner and noble family, established such a popularity and reputation for hospitality as none of his predecessors had attained.

To the successful management of our foreign relations, Mr. Monroe had the satisfaction of adding the assurance of domestic harmony and good-will. His administration was termed the "era of good feeling," and he is the only president except Washington who has been chosen, as he was for his second term, without

opposition. The aged John Adams congratulated him on an administration "which, as far as I know, has been without a fault;" and Chief Justice Marshall wrote: "The retrospect is not darkened by a single spot."

The election of Adams to the presidency in 1824 was one of the most memorable political contests in our history, but it has no relation to our present study except as it is connected with the choice of his Secretary of State. The vote of the Electoral College was divided between the four candidates, Jackson receiving the highest number, Adams standing next, Crawford third, and Clay lowest on the list. No candidate having received a majority of all the votes, the election, in accordance with the constitutional provision, devolved upon the House of Representatives, and the votes of Clay's adherents being cast for Adams resulted in his choice. Preceding and immediately following the election it was charged that the result was brought about by a corrupt bargain, by the terms of which Mr. Clay was to be made Secretary of State. The latter indignantly denied the charge in a public card, but the story continued to be repeated by the combined opposition.

Upon his inauguration Mr. Adams confirmed the prediction of his opponents by sending Mr. Clay's nomination to the Senate, by which after a strong opposition it was confirmed. The "corrupt bargain" has been conclusively shown to have had no existence, but then and for a long time after it obtained wide credence in the country and greatly exasperated Mr. Clay. Still, for a considerable period no responsible person

seemed willing to publicly countenance the story, until finally, after Mr. Clay had been for more than a year in charge of the State Department, the eccentric John Randolph, in public debate in Congress, plainly referring to this charge, characterized Adams and Clay as "the coalition of Blifil and Black George — the combination . . . of the Puritan and the black-leg." Although Mr. Clay only a few months before, in an address to the people of Kentucky, had declared his "deep abhorrence of . . . the pernicious practice" of dueling, and urged that a public sentiment ought to be formed which would "unite in its unqualified proscription," he nevertheless promptly challenged Randolph to mortal combat. He was in deadly earnest, and in the two shots which were exchanged, Mr. Clay's bullet twice pierced Randolph's clothing, but the latter fired in the air. Not since the Hamilton-Burr duel had the country been so excited regarding "the code," but as in this instance it was bloodless in its character, condemnation of the practice was by no means universal. Mr. Benton, long after, in recording the details of the event in his "Thirty Years in the Senate," says: "It was about the last high-toned duel that I have witnessed, and among the highest-toned I have ever witnessed."[1]

Randolph's term, "The Puritan and the black-leg," was a well-understood allusion to Mr. Clay's indulgence in the practice, so common at that day, of playing cards for high stakes. Mr. Adams, in his faithful and all-embracing diary, refers to this habit of his secretary,

[1] 1 Benton's Thirty Years in the Senate, 77.

whose losses at times were said to reach sums which he could ill afford. A friendly foreign critic of our institutions, in referring to the social conditions which surrounded Secretary Clay, speaks of the "capital in the wilderness, with but little of general society to temper the roughness of the legislators and mitigate the violence of party conflicts. The presence of slavery was not conducive either to good manners or virtue. No wonder if politics at Washington were somewhat crude, if affrays and duels were not uncommon, if the dullness of senatorial boarding-houses were too often relieved by drinking and gambling, and their lack of domestic happiness by connections to which slavery everywhere opens the door."[1] The glimpses we have of our earlier statesmen lead to the consoling suggestion that, however imperfect may be the present standard of political life and social morality, at least some progress has been made since the earlier years of the century.

Aside from the inaptness of the selection on account of "the corrupt bargain" charge, the choice of Mr. Adams of his Secretary of State appeared singular in view of the striking difference in their temperaments and of their past relations. I have already referred to the wrangles which occurred between them in the peace negotiations of 1814. During Mr. Adams's term as secretary, Mr. Clay had been conspicuous in Congress in attacking his conduct and policy and in harassing the administration. But the President entered upon his duties with a sense of patriotism high above personal or party considerations, and would have given

[1] Goldwin Smith's Hist. U. S. 149.

places in his Cabinet to the other two presidential opponents, but they declined them, an example which was successfully followed by Mr. Lincoln in 1861. Besides, Mr. Clay had been an aspirant for the same position when Mr. Monroe became President, and was the most prominent leader of his party. It is greatly to the credit of both men and an evidence of their high statesmanship that their relations during the entire term were harmonious, and that they separated at its close with cordial esteem for each other.

Mr. Clay's incumbency of the department was marked by no foreign complications of a serious character. The most important feature was the Panama Congress of the American Republics, which will be treated hereafter in connection with the Monroe Doctrine. It was a busy term, in which more treaties were negotiated and signed than during the whole period since the adoption of the Constitution. The feature especially prominent in these treaties was the principle of commercial reciprocity which has controlled the conduct of the government ever since, to wit, that privileges granted by treaty for a valuable consideration could only be secured by a third nation for a similar consideration. His brilliant qualities and genial manners made Mr. Clay a great favorite in the diplomatic corps. But the confinement of the office work, so dissimilar to his long congressional life, and the worry of the "corrupt bargain" slander seriously affected his health, and he welcomed the end of his term of office, which enabled him to return to the more congenial sphere of debate and active politics. It is a temptation to digress

from the course I have marked out for this work, and follow the career of one of the most interesting and attractive of our public men, but it lies henceforth entirely beyond the sphere of diplomacy.

For twenty-eight years, through four succeeding administrations, from 1801 to 1829, the office of secretary of state had proved the stepping-stone to the presidency, but with the defeat of Mr. Clay by General Jackson in 1828 the line of succession was broken and has never been renewed. With the exit of Mr. Adams we mark the end of administration by statesmen whose services date back to the foundation of the government, and men of quite a different character and calibre now succeed to the presidency for a long series of years.

CHAPTER VIII

FROM JACKSON TO POLK

ANDREW JACKSON, who followed Adams, is a striking character in our political history, and inaugurated methods which had a marked, and in some respects an unfavorable, influence on the future of parties and the government; but in its foreign relations his administration maintained a dignified and creditable attitude.

His first Secretary of State, Martin Van Buren, a prominent politician of New York, was a loyal supporter of his methods and policy. His public services lie mainly in the domain of domestic politics; but in his short term of two years his name is connected with some diplomatic matters of more than ordinary interest. The commercial relations of Great Britain and its colonies with the United States, owing to the exclusive policy of the former, had, from the independence of this country, been of a very unsatisfactory character. Efforts had been made by successive administrations to place these relations upon a better footing, and notably by President Adams, but his advances had been coupled with such conditions as made them unacceptable to the British government, and as a consequence the British West Indies trade remained closed to us, much to the dissatisfaction of our commercial interests. Mr. Van Buren, soon after he took office, withdrew the unten-

able conditions of his predecessor, and by means of legislative enactments of Congress[1] and Parliament the ports of the British colonies and of the United States were opened upon a reciprocal basis, which has governed their commercial relations up to the present day. For this achievement the Jackson administration, and particularly the Secretary of State, received much credit, and deservedly so; but it will be seen that soon thereafter his relation to this negotiation was a source of serious embarrassment to him.[2]

A noted incident of the early days of General Jackson's first term ought hardly to be dignified by a notice in this diplomatic review, except for its effect upon the future fortunes of the Secretary of State. Peggy O'Neil, the daughter of a Washington tavern-keeper, and wife of Eaton, the Secretary of War, had been married under circumstances which gave rise to much scandal. The wives of Vice-President Calhoun and of the other members of the Cabinet refused to give her social recognition. The President, having convinced himself that a great injustice was being done Mrs. Eaton, declared with an oath that he would sink or swim with his Secretary of War, and he supported his oath by most severe measures. He followed up and sought to overwhelm all scandal-mongers. An instance is cited of two clergymen whom he had respected and whose stories regarding Mrs. Eaton's chastity reached his ears. The President summoned them to the Executive

[1] Act of Congress, 4 Stat. at Large, 419; President's proclamation, Ib. 817.

[2] 1 Benton's Thirty Years' View, chap. 42.

Mansion, as they supposed for a private interview; but they were confronted by a meeting of the full Cabinet, at which the President interrogated and berated them so unmercifully, that they marched out in high indignation. When his niece, Mrs. Donelson, the mistress of his household, declined to call on Mrs. Eaton, he banished her to his home in Tennessee.

Mr. Van Buren, being a widower with no daughters, had no domestic embarrassments to prevent social courtesies to Mrs. Eaton, and his conduct, in marked contrast to that of his colleagues, greatly pleased and endeared him to the President. The diplomatic corps had taken sides with the wives of the Cabinet and other society ladies; but the Secretary of State applied his art of persuasion (being termed by his party opponents "the magician") to the British and Russian ministers, who were bachelors, and they each gave a ball to which Mrs. Eaton was invited. When at the British legation she was led out to the cotillion, it instantly dissolved. At the Russian minister's ball, the Dutch minister's wife left the supper-room on the arm of her husband rather than be seated by Mrs. Eaton's side, which so angered the President that he threatened to have the minister sent home. The matter became the absorbing topic of the day. Affairs went from bad to worse; the Cabinet, torn by dissensions in which this social scandal had no inconsiderable part, went to pieces, all its members resigned, and a complete reorganization took place.[1]

Van Buren, who it was said had already been desig-

[1] 3 Schouler's Hist. U. S. 491.

nated by the President as his choice for the succession, was nominated minister to England. Congress not being in session, he repaired to his post. When, on the reassembling of Congress, his name came before the Senatė for confirmation, a strong opposition was developed against him, inspired, in great measure, by personal hostility to President Jackson and his minister. Three grounds of objection were urged against the confirmation: first, that he had been the chief instrument in breaking up the Cabinet; second, that he had inaugurated the vicious "spoils" system in New York politics; and third, that he had given improper instructions when Secretary of State to our minister in London; and this latter became the chief ground of opposition. These instructions were contained in a dispatch sent to Mr. McLane, our minister in London, during the negotiations which brought about the settlement of our commercial difficulties to which I have just alluded. In that dispatch, dated July 20, 1829, he was authorized to inform the British Ministry that our government would withdraw from the position taken by the Adams administration, and that it had been condemned on this question by the American people at the late election. As a matter of fact the question scarcely entered into the electoral campaign, and, even if it had, was not a fit subject for correspondence or consideration with a foreign government.

Mr. Webster led the opposition to the confirmation, and in his speech confined himself almost exclusively to the dispatch to Mr. McLane. He specially cited the following from Secretary Van Buren's instructions to

Mr. McLane: "You will be able to tell the British minister . . . that you and I, and the leading persons in this administration, have opposed the course heretofore pursued by the government and the country on the subject of the colonial trade. Be sure to let him know that, on that subject, we have held with England and not with our own government. . . . Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts."

From Mr. Webster's criticism of the dispatch, I make the following extract: "I think these instructions derogatory, in a high degree, to the character and the honor of the country. I think they show a manifest disposition in the writer of them to establish a distinction between his country and his party; to place that party above the country; to make interest at a foreign court for that party rather than for the country; to persuade the English ministry, and the English monarch, that *they* have an interest in maintaining in the United States the ascendency of the party to which the writer belongs. . . . I cannot be of the opinion that the author of these instructions is a proper representative of the United States at that court. . . . In the presence of foreign courts, amidst the monarchies of Europe, the American minister is to stand up for his country; . . . and far less is he himself to reproach either; that he is to have no objects in his eye but American objects, and no heart in his bosom but an American

heart; that he is to forget self, and forget party, to forget every sinister and narrow feeling, in his proud and lofty attachment to the republic whose commission he bears."[1] The Senate rejected the nomination, and Mr. Van Buren returned to the United States, only to be received by his party with new honors, first being elected vice-president and afterwards president. Whatever may be the judgment of posterity as to his conduct in domestic politics, it must be conceded that as secretary of state and as minister to England, he discharged his duties with credit. Washington Irving, who was his secretary of legation, says: "His manners were most amiable and ingratiating." His dispatches show a well-trained mind and a familiarity with international law.

Van Buren was succeeded as secretary of state by Edward Livingston, of Louisiana, more distinguished for his code of civil law than diplomacy, whose service ended with Jackson's first term. He was followed by Louis McLane, who, as minister to Great Britain, had, under Van Buren's direction, brought about the adjustment of our commercial relations with the British colonies, and who, in Mr. Polk's term, was again minister to Great Britain during the Oregon boundary settlement. After a year's service he gave place to John Forsyth, so that during the presidency of Jackson the State Department was filled by four secretaries.

The only other diplomatic question of importance during this administration, not already noticed, was the French treaty for the payment of indemnity to American vessels for losses during the Napoleonic wars. This

[1] 3 Webster's Works (ed. 1851), 357; 1 Benton's View, chap. 59.

treaty of 1831, negotiated while Mr. Van Buren was secretary, provided for the payment to the United States of $5,000,000 on account of the losses mentioned, and contained other stipulations as to favored admission of certain products of the two countries. The United States Congress promptly passed the law necessary to carry the treaty into effect, but in 1834, after various delays, the French Chamber declined to make the appropriation required by the treaty. President Jackson thereupon sent a strong message to Congress, saying that further negotiations were out of the question; diplomatic relations were broken off by the withdrawal of the respective ministers; and for a time an unpleasant state of relations existed, but open hostilities for such a cause were scarcely contemplated. Both governments began to see that want of forbearance on each side had been conspicuous, and through the good offices of Great Britain a renewal of relations was brought about in 1836 and the indemnity paid.[1] This event raised the question how far the treaty-making power may bind a government to stipulations which can only be carried into effect through the action of a legislative branch of the government not consulted as to the treaty.

During President Van Buren's entire term the post of secretary of state was filled by Mr. Forsyth, of Georgia, who had occupied the office during the last two years of Jackson's presidency. He had previously been minister to Spain, during the important negotiations resulting in the acquisition of Florida.

[1] 4 Schouler's Hist. U. S. 184, 239.

Van Buren's term was mainly one of domestic interest, the foreign questions of most importance growing out of similar causes, the Canadian insurrection on the northern frontier and the Texan revolt on the south. The Canadian trouble was occasioned by the unwise policy of the British government in its treatment of the provinces, and it culminated, in 1837, in the seizure of Navy Island, in Niagara River, by an expedition organized on United States territory, under insurgent leaders largely aided by American sympathizers. The Canadian authorities retaliated by crossing to the American side, where they captured and destroyed a vessel, the Caroline, belonging to the insurgents. Van Buren issued a proclamation, called out the New York state militia, and took other stringent measures to prevent a violation of the neutrality laws. The rebellion was easily put down, and the Canadians reaped the benefit of it in securing from Great Britain a more liberal system of government. But Van Buren suffered much in popularity in his own State by his upright enforcement of the neutrality laws.

While the wisdom of these laws is almost universally recognized by our people, and their enactment has gained us more credit in our international relations than any other kindred act of the government, it rarely happens that the administration adds anything to its popularity by their strict and impartial enforcement, usually because of the sympathy of a large party in our country for the cause against which the laws are enforced.

The independence of Texas had been recognized just

on the eve of Van Buren's inauguration, and one of the first questions on which he was called to pass was the proposed annexation of the new republic to the Union. The President, foreseeing that annexation would result in a war with Mexico, declined the proposal, and thus postponed for eight years the consummation of that project. Owing to his growing anti-slavery convictions he continued, at the expense of his influence and standing in his party, a strong opponent of annexation.

The political campaign of 1840 swept out of power the party which, under the skillful leadership of Jackson, had controlled the country for twelve years. President Harrison invited Mr. Clay to resume the post of secretary of state, but, with his eye on the presidency, he preferred to remain in Congress, and Daniel Webster was chosen. He was then at the height of his fame. The Dartmouth College argument and other noted cases before the Supreme Court had placed him at the head of the American bar. His orations at Plymouth and Bunker Hill, and his reply to Hayne, then fresh in the minds of the people, made him the foremost orator of his country. These and his debates in the Senate had earned for him the title of "The Great Expounder of the Constitution." Although without diplomatic experience, no man had entered the State Department with greater prestige for his work, and it is gratifying to note that his services as secretary did not diminish his reputation.

He was greatly embarrassed in his duties by the fact that he was for the time separated from his party by

the defection of Tyler, who succeeded to the presidency on the sudden death of Harrison, but he felt that the grave question he had in hand required him to continue in the direction of our foreign relations.

This question was the much debated northeastern boundary dispute, growing out of the treaty of peace of 1783. From that date it had been a fruitful source of controversy. The treaty of peace of 1814 sought to settle the matter, but the measures then devised failed. It was in 1827 referred to the arbitration of the king of the Netherlands, but his award was not accepted by either party. Meanwhile the State of Maine had been organized out of the territory of Massachusetts, and between its authorities and those of Canada there was constant turmoil and conflict. When Mr. Webster assumed office, the ill feeling growing out of the Canadian insurrection was still fresh in mind, and at the outset of the negotiations further elements of controversy were added to inflame the passions of both governments and people. It was a time of intense excitement, and it was fortunate that the negotiations on the part of the United States were in the hands of one in whose wisdom and patriotism the country reposed such confidence. The British government, equally impressed with the importance of the negotiations, sent to Washington as a special plenipotentiary, Lord Ashburton, a man of the highest character and well disposed toward the United States.

Out of their negotiations came what is known as the Webster-Ashburton treaty of 1842, which settled the northeastern boundary dispute by conceding to Canada

a strip of territory claimed by Maine and gaining a more important strip for Vermont and New York. The treaty also provided for a joint repressive action against the slave trade, and for the extradition of criminals. In the Jay treaty of 1794, provision had been made for extradition in cases of murder and forgery, but the Webster treaty enlarged the list of crimes for which extradition might be had, and it may be regarded as the first of a long series of treaties for this purpose. Webster's great success in this negotiation is indicated by the fact that notwithstanding the Senate was hostile to the President, the treaty was ratified by a three fourths vote.

While it is regarded as Webster's greatest achievement in diplomacy, and deservedly so, it is also due to President Tyler, who has received scant justice at the hands of the historians of the period, to state that much of the credit of his secretary's success belongs to his chief. No one was more free to recognize this than the secretary himself. In a letter to the President soon after the treaty was signed, he wrote: "Your steady support and confidence, your anxious and intelligent attention to what was in progress, and your exceedingly obliging and pleasant intercourse, both with the British minister and the commissioners of the States, have given every possible facility to my agency in this important transaction."[1]

In England the treaty encountered more serious opposition. It was termed "Ashburton's Capitulation," and Lord Palmerston, who led the opposition, went so

[1] 2 Webster's Private Correspondence, 147.

far in his personal assault as to attribute Ashburton's too friendly conduct to his American wife.[1] In this connection it is of interest to note the number of foreigners, prominent in important diplomatic affairs with the United States, who have had American wives. Without approaching any nearer to recent years than Lord Ashburton's time, we recall that Oswald, the British negotiator of the peace treaty of 1782, had acquired large interests in America by marriage. Genet, the famous minister of the French Republic in 1792–93, married a daughter of Governor Clinton of New York. Marbois, Napoleon's minister, who signed the treaty for the acquisition of Louisiana, married in the United States while chargé of the French legation. Erskine, the British minister in the trying period between 1806 and 1810, and who manifested such a friendly spirit, had an American wife. And Yrujo, the Spanish minister, who passed through strange vicissitudes extending from the administration of Washington through Jefferson's term, was married to a daughter of Governor McKean of Pennsylvania.

The ratification of the Webster-Ashburton treaty was followed by an interesting international controversy known as "The Battle of the Maps." About the time of the pendency of the negotiations Mr. Jared Sparks, the historian, in searching in the French archives of Paris, found a map of America on which the boundary between the British Provinces and the United States was indicated by a red line, in a manner favorable to the British claim. He also found a letter from

[1] Saunders's Palmerston, 91; Francis's Palmerston, 443.

Dr. Franklin referring to some map upon which the boundary had been delineated. It was taken for granted that the map with the red line was the one referred to in Dr. Franklin's letter, but there was no proof of this identity, and it is now manifest that Sparks was mistaken as to it. This map, with a vast mass of other material, was put into Webster's hands, and it was used by him to reconcile the commissioners of the State of Maine to the treaty, which deprived their State of a considerable portion of the territory claimed by it. The map was also used in the Senate to secure the ratification of the treaty. It was not, however, made known to Lord Ashburton or the British government. When the existence of the map and the use made of it became public, it created a sensation in England, and comments unfavorable to the American negotiator and government were made in Parliament and the press.

This publication led to a search in the Paris archives by the British officials, which resulted in a failure to find the Sparks map, but, strange to say, the search developed another ancient map with the line marked as claimed by the United States. And, still more strange, it appears that orders were given on Lord Ashburton's departure for America to supply him with all maps in the British Museum bearing upon the negotiations, which it is claimed was done. But after the Sparks map denouement, another examination was made in the British Museum, in the map department, and the original map used by Oswald, the British negotiator of the treaty of 1783, was found, which laid down the line traced by him, with the indorsement by George III. in

his own handwriting, showing the boundary as claimed by the United States. This map was used in Parliament to vindicate the conduct of Lord Ashburton in agreeing to the treaty, just as the Sparks map had been used in the Senate to support Mr. Webster. Lord Ashburton assured Mr. Everett, our minister in London, and also wrote to Mr. Webster,[1] that he had no knowledge of this map till after his return from the United States.

Mr. Webster was charged in England with acting a dishonorable part in withholding from Lord Ashburton an inspection of the Paris map and afterwards using it to secure the ratification of the treaty. Webster's answer was: "I must confess that I did not think it a very urgent duty on my part to go to Lord Ashburton and tell him that I had found a bit of doubtful evidence in Paris, out of which he might perhaps make something to the prejudice of our claims."[2] Lord Ashburton is reported to have said that it was fortunate for both countries that the maps were not made public till after the treaty was in force, as with a knowledge of the Paris map he never would have consented to the line agreed upon, and the Americans would never have conceded the British claim. In further commenting on the incident he wrote as follows: "The public are very busy with the question whether Webster was bound in honor to damage his own case by telling all. I have put this to the conscience of old diplomatists without getting a satisfactory answer. My own opinion is that in this respect no reproach can fairly be made."[3]

[1] 2 Webster's Private Correspondence, 191.

[2] 2 Webster's Works, 149.

[3] 2 Croker Papers, 200.

Three other questions were concurrently considered by the negotiators, but not included in the treaty. The first of these grew out of the seizure and destruction of the Caroline, on the American side of the Niagara River, in 1837. In 1840, one McLeod, a British subject, came from Canada into the State of New York, and, it being charged that he participated in the seizure and destruction of the vessel which resulted in the death of an American, he was arrested, indicted for murder, and held for trial in one of the state courts. The British government protested against this proceeding, on the ground that the destruction of the Caroline was a national act ordered by the British authorities as a justifiable proceeding of self-defense, and that the government, not its subject, was responsible for the consequences. Webster took the position that McLeod ought not to be held to answer for the offense in the state court, but the court, supported by the governor, refused to discharge him. The Attorney-General of the United States was sent by the President to watch the proceedings and see that the prisoner had a fair trial. Fortunately McLeod proved an *alibi*, and he was acquitted. But the case brought about the passage of a law by Congress, drawn by Secretary Webster, conferring jurisdiction in such cases upon the federal courts, thus bringing them within the control of the national authorities.[1]

The second, known as the case of the Creole, arose out of the institution of slavery, which more than once exercised a baleful influence on our diplomacy,

[1] 5 Stat. at Large, 539.

and placed us before the world in an attitude inconsistent with our much-vaunted principles of freedom. The Creole was a vessel engaged in 1841 in carrying one hundred and twenty-five negro slaves from Richmond, Virginia, to New Orleans. While at sea the slaves killed the captain and carried the vessel into the British port of Nassau. Nineteen men were held for murder and the rest set free. Mr. Webster urged the claim for damages upon Lord Ashburton, on the ground that it was the duty of the British authorities to have restored the officers of the vessel to control and allowed them to continue their voyage. Ashburton declined to entertain the claim for the reason that he was not empowered to consider it, but it was finally referred in 1853 to a joint claims commission, was allowed by the umpire, and paid.[1]

The third unadjusted question considered by the negotiators was the long disputed and irritating subject of impressment and right of search, which was the main cause of the War of 1812, and had continued a fruitful source of controversy. While no formal renunciation was made by Great Britain of the right to take seamen out of an American vessel, this practice had virtually been abandoned. The claim contested by Webster was a right of visitation and search of vessels on suspicion of being engaged in the slave trade. The subject was met in the treaty by an agreement to respectively keep a naval force on the coast of Africa to watch this illegal trade. Lewis Cass, then minister to France, appointed by Van Buren, fiercely attacked

[1] 1 Moore's International Arbitrations, 410; 4 Ib. 4375.

the treaty for not securing a renunciation from Great Britain of the right of visitation, search, and impressment, resigned his post, and engaged Webster in a vigorous discussion of the treaty.[1] The latter maintained that the negotiation had not left the subject where it found it, but that his declaration made to Lord Ashburton would stand, to wit, that "in every regularly documented American merchant vessel the crew who navigate it will find their protection in the flag which is over them." [2]

A number of other important questions received Secretary Webster's attention, not the least important of which was the establishment of diplomatic relations with China. Soon after the independence of the United States was established, American vessels began to make voyages to the far East, and in a few years a direct trade with China was built up, and an important commerce with that country was created which called for the fostering care of the government. In 1840, President Van Buren sent a special message to Congress, communicating information respecting the trade with China;[3] and in 1842, President Tyler transmitted to Congress a message,[4] prepared by Secretary Webster,[5] urging that adequate provision be made for official representation to that empire.

As the result of this latter recommendation an appropriation was made by Congress[6] "to establish the

[1] Ex. Doc. 223, 27th Cong. 3d Sess. [2] 5 Webster's Works, 146.

[3] H. Ex. Doc. No. 119, 20th Cong. 1st Sess.; also No. 170, same Congress.

[4] 4 Richardson's Messages, 211. [5] 2 Curtis's Webster, 176.

[6] 5 Stat. at L. 624.

future commercial relations between the United States and the Chinese Empire on terms of national equal reciprocity;" and on March 3, 1843, Edward Everett, then minister in London, was appointed commissioner; and on his declination, Caleb Cushing was named. Soon after arrival at his post, he was enabled to celebrate the first treaty, July 3, 1844, which inaugurated our official, political, and commercial relations with that vast empire, and which have continued unbroken. This convention, in addition to fixing the terms of our trade and intercourse, conferred upon American consuls jurisdiction and legal protection over all citizens of the United States in China. In communicating it to the Secretary of State, Mr. Cushing wrote: "By that treaty the laws of the Union follow its citizens, and its banner protects them, even within the domain of the Chinese Empire."[1] This is the practice known in international law as "extraterritoriality," which has been conceded to all Christian nations by the independent countries of Asia. Under this treaty it became necessary for Congress to confer judicial powers upon ministers and consuls, to enable them to carry the extraterritorial provision into effect;[2] and various regulations were adopted from time to time by United States ministers in China for the government of consuls in their judicial capacity.[3]

[1] 7 Opinions Attorneys General, 499. For correspondence relating to the treaty, S. Ex. Doc. 67, 28th Cong. 2d Sess.

[2] For the first statutes on the subject, 9 Stat. at L. 276; 12 Stat. at L. 72.

[3] S. Ex. Doc. Nos. 32 and 92, 34th Cong. 1st Sess.; S. Ex. Doc. No. 6, and H. Ex. Doc. No. 11, 34th Cong. 3d Sess.; S. Ex. Doc., Nos. 9 and 47, 35th Cong. 1st Sess. For action of Senate on regulations, Cong. Globe, 35th Cong. 1st Sess. pp. 1203, 1555.

Secretary Webster, in his carefully prepared instructions to Mr. Cushing, laid down the policy, which has been ever since followed by our government, of disinterested friendship for China, but, at the same time, of a strict enforcement of the rights of American citizens; and as the rulers of the Celestial Empire had been accustomed to look upon other nations as dependents and their representatives as tribute-bearers, Mr. Cushing was instructed to make known "that you are no tribute-bearer; that your government pays tribute to none and expects tribute from none; and that even as to presents, your government neither makes nor accepts presents."[1]

From the beginning of our political intercourse with that country we have discouraged all efforts on the part of Americans to engage in the opium trade, so injurious to its people and forbidden by its laws. As early as 1843 participation in that trade by an American consul was made a cause for his dismissal; our ministers were instructed to inform the Chinese government that citizens of the United States would not be sustained by their government in any attempts to violate the laws of China respecting the trade;[2] and by the treaty of 1880 our citizens are prohibited to buy or sell opium in China, or to import it into that country.

In view of the peculiar conditions existing in China, as well as in other Asiatic countries, our government has authorized American ministers to unite with the representatives of other Western powers in joint efforts for the protection of the citizens and business of their

[1] 1 Wharton's Int. Dig. 447.

[2] Ib. 447, 449.

respective nations. This practice constitutes a departure from the policy generally pursued by our government of independent action in foreign affairs, but it has not been carried to the extreme of a resort to military force to accomplish the object had in view until the extraordinary disorders of 1900.

In 1857, when the troubles arose which resulted in the Anglo-French war against China of 1858–60, Secretary Marcy wrote to our minister that "the British government evidently had objects beyond those contemplated by the United States, and we ought not to be drawn along with it, however anxious it may be for our coöperation." And when, the next year, we were invited to "unite with the English and French in their hostile movements," our minister was instructed that we could not coöperate with them beyond "peaceful measures to secure by treaty those just concessions to foreign commerce which the nations of the world had a right to demand."[1] Two years later President Buchanan was enabled to report to Congress that "the friendly and peaceful policy pursued by the government of the United States towards the empire of China has produced the most satisfactory results. The treaty of Tientsin of the 18th June, 1858, has been faithfully observed by the Chinese authorities."[2]

Anticipating somewhat events, it may be stated in this connection that under the treaty of 1858 the Chi-

[1] 5 Richardson's Messages, 497.

[2] Ib. 626. For correspondence and reports of these events, S. Ex. Doc. 22, 35th Cong. 2d Sess.; S. Ex. Doc. Nos. 30 and 39, 36th Cong. 1st Sess.

nese government paid to the United States the sum of $735,238 in satisfaction of the claims of its citizens against China. On an adjudication of these claims by a domestic commission of the United States, it was found that they had been very considerably exaggerated, and less than half of the fund proved to be justly due. The balance remained in the Treasury of the United States until 1885, when the sum of $453,400 was returned to China by act of Congress. In acknowledging this unusual international proceeding, the Chinese minister in Washington said to the Secretary of State that "this generous return of the balance of the indemnity fund by the United States to China cannot fail to elicit feelings of kindness and admiration on the part of the government of China towards that of the United States, and thus the friendly relations so long existing between the two countries will be strengthened."[1]

During Mr. Webster's incumbency of the Department of State, another matter relating to the distant Pacific Ocean demanded his attention. Early in the century missionaries had been sent by the Congregational churches of New England to the Sandwich or Hawaiian Islands, and under their influence the natives had been induced to renounce in great measure their heathen practices, and under their guidance the chiefs had organized a government based upon principles similar to those of Christian nations. A delegation of plenipotentiaries from this new nation visited the United States and Europe in 1842, asking for recognition and

[1] For. Rel. of U. S. 1885, p. 183.

the protection of the Christian powers. The recognition was readily given, but in addition thereto an important declaration was made by Secretary Webster to the Hawaiian delegation and by President Tyler to Congress. It was stated that in view of the preponderating trade and intercourse of the United States with those islands, and of the greater interest of our country in their fate, our government would insist that no European nation should take possession of or colonize them, nor subvert the native government.[1]

This declaration was repeated by successive Secretaries of State, and in 1851, when for a second time Mr. Webster occupied the office, he found that the French naval forces had made a hostile demonstration against the Hawaiian authorities, and it was feared that that government intended to take possession of the islands, following its occupation of Tahiti. He thereupon instructed our minister in Paris to insist with that government that it desist from measures incompatible with the sovereignty and independence of Hawaii; and to inform it that the United States would never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor could it consent that demands manifestly unjust and derogatory, and inconsistent with a *bona fide* independence, should be enforced against their government.[2]

Mr. Webster's reputation as secretary, during his first term of service, rests mainly upon the Ashburton treaty, and he felt when that was fully consummated

[1] 6 Webster's Works, 478. [2] 1 Wharton's Int. Dig. 419, 420.

he could retire from the office. He had been restive under the criticism of his party friends for continuing in the Cabinet of President Tyler after the latter had broken with those who elected him, and having adjusted the important northeastern boundary dispute, he sought an early opportunity to retire, after a service of two years. His relations with President Tyler had been pleasant, but the latter was deeply intent upon accomplishing the annexation of Texas during his term, and he felt that he could not count upon Mr. Webster's coöperation to that end. His son and biographer writes: "The time had come when it was necessary to have in the office of secretary of state one who would go the full length of the Texas question. Certainly that man was not Webster."[1]

The latter had manifested a willingness to accept a special mission to London, and it was arranged that application should be made to Congress for an appropriation to meet the expense. The state of negotiations seemed to call for such a mission. We were pressing upon Mexico the recognition of the independence of Texas. We were likewise seeking to persuade Mexico to sell to us the province of California. The Webster-Ashburton treaty had left unsettled the Oregon question, and its settlement was becoming urgent. It was proposed that a tripartite convention be negotiated in London, whereby the independence of Texas should be recognized, the British government was to bring its influence to bear on Mexico to cede California to the United States for a handsome money compensation,

[1] 2 Letters and Times of the Tylers, 263.

and Great Britain was to receive all that part of Oregon north of the Columbia River in consideration of contributing a part of the indemnity to be paid to Mexico on account of the cession of California.

John Quincy Adams was chairman of the Committee on Foreign Affairs of the House, and he was enlisted to procure the necessary appropriation for the special mission; but when he proposed it in the committee it was voted down by three ayes to six nays.[1] Thus this project came to naught, but there still seemed a way open to accomplish the purpose. Congress had made an appropriation to establish diplomatic and commercial relations with China, and after the failure of the appropriation for the London special mission, the President nominated Edward Everett, our minister in London, to the Chinese mission. Adams was again pressed into service, and wrote Everett a letter urging him to accept the mission,[2] but the latter preferred to remain in London and declined the appointment. Lord Ashburton, unconscious that Webster was coveting the London mission, wrote him: "We were in some anxiety that he [Everett] might leave us for the Celestial Empire, but I find, as I anticipated, that he will remain with the Terrestrials. He would be much too fine an instrument for such a purpose; it would be cutting blocks with a razor."[3]

Being a second time disappointed in his plan for an easy retirement from his post, Mr. Webster submitted

[1] 11 Adams's Memoirs, 327, 347. [2] Ib. 337.

[3] Webster's Pr. Cor. 192. For details as to Webster mission, 2 Tyler's Tyler, 259–263.

his resignation, and after a brief interval he resumed his seat in the Senate. His biographer, Mr. Lodge, says: "No one, with the exception of John Quincy Adams, has ever shown higher qualities, or attained greater success in the administration of the State Department than Mr. Webster did while in Mr. Tyler's Cabinet."[1]

The State Department was filled, during the ten months following Mr. Webster's resignation, by a series of *ad interim* appointments, until in March, 1844, John C. Calhoun assumed its duties. He, Clay, and Webster, compose the triumvirate of great statesmen of the second generation of our national history. His career began in the lower House of Congress as one of the war party, and, as chairman of the Committee on Foreign Affairs, he had a leading part in bringing on the conflict with Great Britain in 1812. Like Webster he had held no diplomatic post, but as cabinet minister, vice-president, and senator he had borne a conspicuous part in public affairs. He, more than any other, sowed the seeds of disunion which brought about our Civil War, and as the champion of slavery was the most fit person to do the work upon which the President was so intent, and for which Webster could not be used.

This was the annexation of Texas to the Union. It was largely a question of domestic politics, and one of the absorbing topics of the presidential campaign of 1844, but we have only to do with its diplomatic aspects. It has been seen that Mr. Adams, during the negotiations for the purchase of Florida and the fixa-

[1] Lodge's Webster, 261.

tion of the western boundary of Louisiana, contended for the inclusion of Texas; that is, making the Rio Grande the western boundary. During the latter's presidential term, Secretary Clay, in 1827, instructed our minister in Mexico to propose the purchase of Texas,[1] but the latter did not deem it prudent to submit the proposition. Ten years later its independence was recognized by the United States. The same year the new republic proposed a union with the United States, but the offer, as we have seen, was not favored by President Van Buren. The project was held in abeyance until Vice-President Tyler had become well seated in the place made vacant by Harrison's untimely death. After the retirement of Mr. Webster from the State Department, in 1843, active efforts to that end were begun. The Mexican government, learning of this movement, in August of that year notified the United States that annexation would be regarded as a cause of war.[2]

Mr. Calhoun, the Secretary of State, had, as early as 1836, declared himself in favor of annexation on the ground that the interests of slavery in the Southern States opposed the establishment of an independent state between them and Mexico, and the action of Great Britain and France subsequently taken showed that from his point of view such a policy was a wise one. Previous to Calhoun's taking charge of the State Department, the Texan minister had asked, as a condition of signing a treaty of annexation, that the United

[1] H. Ex. Doc. No. 40, 25th Cong. 1st Sess. p. 9.

[2] S. Doc. No. 1, 28th Cong. 1st Sess. vol. 1, p. 26.

States would, pending the ratification of the treaty, use its naval and military force to protect Texas from Mexican invasion. Nelson, Attorney-General and *ad interim* Secretary of State, had answered that such use would be unconstitutional, but he gave the Texan to understand that the forces could be so posted as to effect the desired end.

Meantime the Texan government, playing a double game, came to an agreement with Great Britain, whereby, in return for the latter's action in securing the recognition of its independence by Mexico, Texas pledged itself not to be annexed to any other country. This agreement had been approved by Mexico, and was awaiting the final action of Texas when Calhoun became secretary. This event hastened negotiations on his part. He entered office March 6, and on April 12 a treaty of annexation was signed.[1] It was preceded by a declaration from Calhoun that "during the pendency of the treaty of annexation the President would deem it his duty to use *all the means placed within his power by the Constitution* to protect Texas from foreign invasion."[2] This language, carefully chosen by Calhoun, was accepted by the Texans as a sufficient guarantee of protection from the Mexican government, and by the signature of the treaty they abandoned the British scheme of an independent existence.

The treaty was not sent to the Senate till Calhoun could answer a note of the British minister, which had

[1] For copy of President's Message and treaty, S. Doc. 341, 28th Cong. 1st Sess. vol. 5, pp. 5, 10.

[2] 5 Calhoun's Works, 363.

been received February 26, containing a statement from Lord Aberdeen, Minister for Foreign Affairs, that Great Britain desired to see slavery abolished in Texas eventually, as elsewhere, but disclaimed any intention to exercise undue influence to that end. This note was answered by Secretary Calhoun April 18, in which he stated that the avowal of Lord Aberdeen on this subject made it "the imperious duty of the federal government" to conclude, "in self-defense," a treaty of annexation with Texas.[1] As to this transaction, the historian Von Holst, in his biography of Calhoun, says: "It may not be correct to apply, without modification, the code of private ethics to politics; but however flexible political morality may be, a lie is a lie, and Calhoun knew there was not a particle of truth in these assertions."[2]

This is strong language, but it seems to be justified by the facts. Calhoun's attitude had been declared eight years before; it was well known that President Tyler had been using every influence to bring about annexation; negotiations to that end were on foot before the British minister's note was received; and if it had never been written the action of the Executive Department of the United States would have been exactly the same. Aside from Lord Aberdeen's dispatch, it was well known that British and French influences were at work to prevent, if possible, the absorption of Texas into the Union. The Texan debt was largely owed in England, and it was the policy of that country

[1] For correspondence, S. Doc. 341, pp. 48–53; 36–67.

[2] Von Holst's Calhoun, 233.

to encourage an independent nation.[1] Besides, a strong belief existed among the Southerners that unless annexation was successful, Texas would, under European influence, soon abolish slavery. The Aberdeen dispatch only served to confirm the preconceived opinions and resolutions of the administration.

The treaty was held back in the Senate till the Democratic National Convention of 1844 had declared for "the re-annexation of Texas," in the hope that this declaration would aid in securing its ratification. On June 8, 1844, the treaty was rejected by a vote of thirty-five to sixteen.[2]

Not discouraged by this failure, President Tyler sent a message two days afterwards to the House of Representatives transmitting documents, and stating that Congress was "fully competent, in some other form of proceeding, to accomplish everything that a formal ratification of the treaty could have accomplished;[3] but no action was taken upon this suggestion before the adjournment, and the subject was postponed till after the presidential campaign. The election resulted in the choice of Polk, the champion of annexation. Encouraged by this result, President Tyler, in his last annual message in December, 1844, recurred to his previous suggestion that Congress might bring about the desired end by another method than a treaty, and recommended annexation by joint resolution.[4] A joint

[1] For British action and as to abolition of slavery in Texas, S. Doc. 341, pp. 18–42.

[2] 2 Benton's View, 619.

[3] 4 Richardson's Messages, 323.

[4] 4 Richardson's Messages, 345.

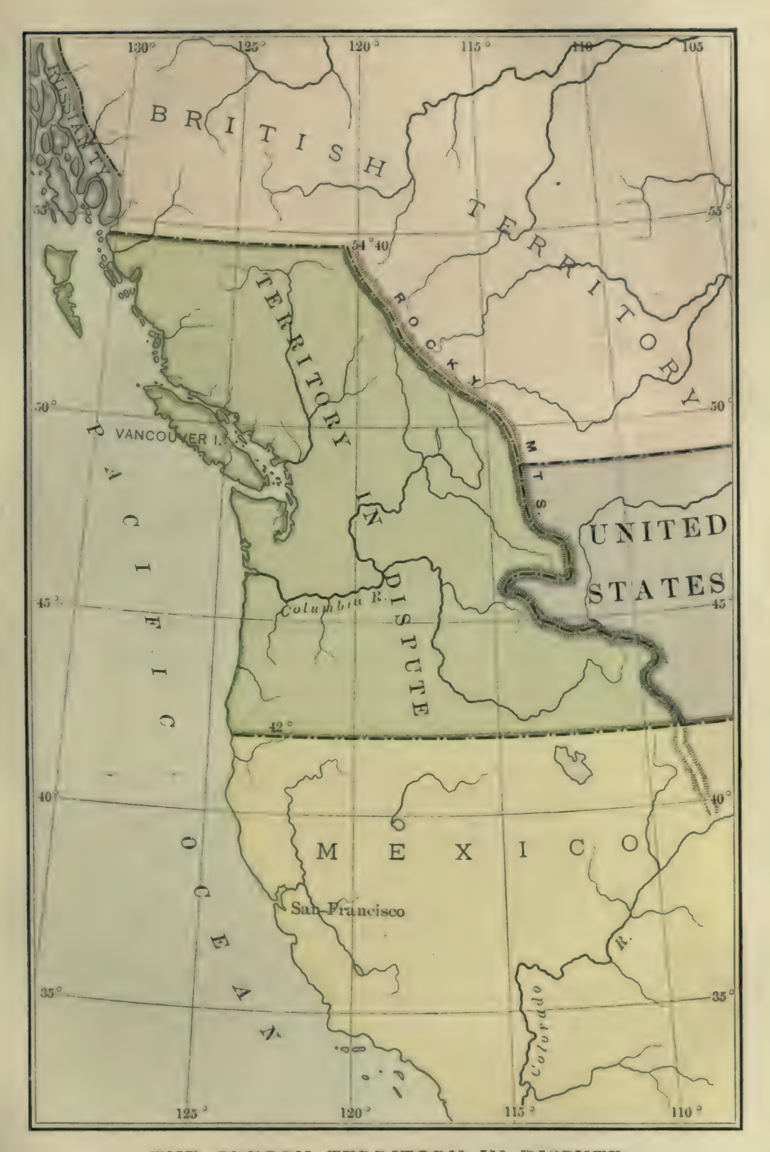
resolution to this effect was passed March 1, 1845, after a long and animated debate.[1] The vote in the House was 128 to 98, and 27 to 25 in the Senate.[2] This precedent of Congress was followed in the recent admission by joint resolution of the Hawaiian republic; the action, however, in the latter case was taken upon a two thirds majority in both houses. The resolution was accepted by Texas July 4, 1845. On March 6, the Mexican minister demanded his passports and left the United States, and in May the United States minister likewise left Mexico.[3] It was apparent that this action would lead to war with Mexico, and both governments took measures to prepare for the coming conflict.

The serious state of our foreign relations on the south made it necessary that some adjustment should be reached of the territorial dispute with Great Britain as to the Pacific coast, which had existed for a generation, and which had been greatly intensified because of domestic partisan measures. The Oregon boundary question had received the attention of Mr. Calhoun while Secretary of State, but little progress was made by him towards a settlement, he holding that time was steadily working in favor of American interests through increased immigration. Besides, the annexation of Texas was nearest to his heart, and he did not consider it good policy at that time to push England

[1] 5 Stat. at Large, 797.

[2] 2 Benton's View, chap. 148.

[3] Other official documents not above cited: S. Doc. 1, 24th Cong. 2d Sess. pp. 27–105; S. Doc. 160; H. Doc. 40, 25th Cong. 1st. Sess.; H. Ex. Doc. 266, 27th Cong. 2d Sess.



THE OREGON TERRITORY IN DISPUTE

too strongly in the Oregon negotiations. He would have been willing to continue in the department under Mr. Polk, but his independent and somewhat changeable career did not commend him favorably to that partisan chief.

James Buchanan, who succeeded Calhoun in March, 1845, was a man of large experience in public affairs. His fame is clouded by vacillating and unstatesmanlike conduct at a great crisis in our history, but in the direction of foreign affairs during the important period of Mr. Polk's administration, he displayed marked ability and prudence. He was well equipped for the duties of his post by long service in both Houses of Congress and by several years' residence abroad as minister to Russia. Later, under President Pierce, he served as minister in London, and returned home to be elected President in 1856.

In view of the impending war with Mexico, Mr. Buchanan, as Secretary of State, early addressed himself to the settlement of our long-standing dispute with Great Britain over the Oregon boundary. Four nations had advanced conflicting claims on the Pacific coast, based on early discoveries, — Russia, Great Britain, the United States, and Spain.

Great Britain and Spain first came into conflict on the northwest coast, because of settlement on Vancouver Island, and through the Nootka Convention of 1790 their respective claims were adjusted upon the basis of actual occupation. The Spaniards, as early as 1543, had made explorations as high as the fifty-fourth degree of latitude, but their settlements were much lower on the

coast. The Columbia River had been discovered by Captain Gray, of Boston, in 1792, and Vancouver, upon whose voyages the British largely founded their early claims, did not enter the river until the next year, when he reports that he found Captain Gray there. The Hudson's Bay Company reached the Pacific coast about 1793, but north of the forty-ninth degree. The United States had no well-founded claim to this coast through the Louisiana purchase, but that based on the discovery of the Columbia by Gray was strengthened by the exploring expedition of Lewis and Clarke in 1804–6, and by the permanent establishment at the mouth of that river of Astor's fur-trading post. The Florida treaty of 1819 transferred to the United States whatever rights Spain possessed on that coast north of latitude 42°. In 1818, by treaty with Great Britain, our northern boundary was fixed west of the Lake of the Woods on the parallel of the forty-ninth degree as far as the "Stony [Rocky] Mountains," and it was agreed that there should be a joint occupation of the territory "claimed by either party" beyond the mountains for ten years; and this agreement was renewed for another period in 1827.

When the Russian Emperor issued his ukase in 1821, we have seen that the United States and Great Britain protested against the claims of one hundred miles exclusive ocean jurisdiction and of territory on the northwest coast of America to the fifty-first degree of latitude. This protest was followed by instructions to the American and British ministers at St. Petersburg to unite their negotiations at the Russian court, with a

view to a joint or concurrent settlement of the questions; but when it became apparent that the United States would set up claim to territory on the coast north of the fifty-first degree, the British minister was directed by his government to withdraw from the tripartite negotiations, and thenceforth each government proceeded separately with Russia.[1] The treaty with the United States fixed the limits of the respective territorial claims at the latitude of 54° 40′, and the same line was agreed upon in the Anglo-Russian treaty of 1825. These adjustments left the territory on the northwest coast below 54° 40′ undetermined as between the United States and Great Britain.[2]

An attempt was made in London, while the St. Petersburg negotiations were in progress, to reach a settlement, and Mr. Rush proposed the line of the forty-ninth parallel, but the British government put forth the claim of the line of the Columbia River from the point where it crosses the forty-ninth degree to its mouth, and no agreement was reached. Another attempt was made by Mr. Gallatin, our minister in London, in 1826; the same offer was made and met by the counter proposal of the line of the Columbia River.

While Mr. Webster was negotiating with Lord Ashburton as to the boundaries in 1842, news reached the

[1] 4 Fur Seal Arbitration Papers (1893), 415.

[2] An interesting report by a special committee, submitted to the House in 1821, was one of the earliest discussions of our claim to the northwest coast of America, in which it was contended that the United States possessed "the undisputed sovereignty of that coast, from the sixtieth degree of north latitude down to thirty-six." H. Rep. 45, 16th Cong. 2d Sess.

American settlers in Oregon that the territory was likely to be gained by Great Britain, and Dr. Marcus Whitman, a pioneer missionary of Oregon, made a winter journey across the mountains and the continent, to lay before the government the far-reaching importance to our country of insuring this foothold on the Pacific. When Dr. Whitman reached Washington, the treaty, without any provision as to Oregon, had been signed and ratified, but he strongly impressed upon Mr. Webster and President Tyler the value to the Union of this Pacific possession; and his visit had a decided influence on the future attitude of the government.[1] It had not been possible to secure any provision as to this territory in the treaty of 1842, but Webster, immediately after its celebration, took steps to obtain a settlement on the line of the forty-ninth degree, but no progress had been made in the negotiations at the date of his resignation.

The subject remained in this state when the annexation of Texas was pressed forward into prominence by Tyler and Calhoun. This annexation was so manifestly in the interest of slavery extension that the partisans of the administration sought to allay opposition by joining with it a demand for the recognition of our claim to Oregon in its largest extent. To this end the Democratic National Convention in 1844, which nominated Mr. Polk, passed a resolution declaring for the "re-occupation" of Oregon and the "re-annexation" of Texas, implying that we should take possession of that portion of the northwest coast now held by Great

[1] For narrative of Whitman's journey, Barrows's Oregon, chap. 18.

Britain, and bring again into the Union the country west of the Sabine River, as a part of the Louisiana territory improperly conceded to Spain in the Florida treaty of 1819. With these as among the party cries in the campaign, Mr. Polk came to the presidency and delivered his inaugural address, in which he advocated the Oregon claim in its entirety.[1]

Mr. Buchanan, desirous of adjusting our differences with England before we entered upon the conflict with Mexico, early after assuming the duties of his department, opened negotiations with the British minister, and, regardless of the President's declaration in his inaugural, proposed as a compromise the forty-ninth parallel as the boundary. The British minister, doubtless nettled by the party cry and the President's declaration, rather tartly rejected the proposition, and argued for the line of the Columbia; whereupon Mr. Buchanan withdrew the proposition and set up our claim to the whole territory in dispute.

When Congress assembled in December, 1845, the President laid the correspondence before it, stated in his message that we had gone far enough in the spirit of concession, and asked Congress to consider what measures were necessary to protect our just title to the territory.[2] His partisans at once took up the cry of "Fifty-four Forty or Fight," and a resolution was passed by Congress authorizing the President, in his discretion, to give notice, in accordance with the terms of the treaty, of the termination of the arrangement

[1] 4 Richardson's Messages, 381.
[2] Ib. 392–398.

for joint occupation of the territory in dispute.[1] Both countries by this action were thrown into a high state of excitement, but neither government was disposed to push the controversy to an open conflict; Mr. Buchanan caused the British government to be informed that he was prepared to renew his proposition for the line of the forty-ninth degree, and the response was that such a settlement would be considered; the Senate was confidentially consulted, and signified its willingness to ratify it;[2] and just as our army in hostile array was entering upon Mexican territory on the south, a treaty composing our differences with our northern neighbor was signed June 15, 1846. The debate in the Senate was very acrimonious and heated, the partisans of the line of 54° 40′ being led by Senator Cass, the next Democratic candidate for President, and afterwards Secretary of State; but it was apparent that the opposition was not supported by the more sober sentiment of the country, and the treaty was ratified by more than the two thirds vote required by the Constitution. Senator Benton facetiously criticised the war-cry of the opposition thus: "And this is the end of that great line! all gone — vanished — evaporated into thin air — and the place where it was not to be found. Oh! mountain that was delivered of a mouse, thy name shall henceforth be fifty-four forty."[3]

One of our most careful historians has said: "A

[1] 6 Stat. at Large, 109.

[2] 4 Richardson's Messages, 449; 2 Benton's View, 675, 676.

[3] 2 Benton's View, chaps. 156 to 159, for negotiations and discussion of Oregon question; 3 Writings of Gallatin (Adams), 491; for brief statement of both sides of question, Snow's Cases in International Law, 9.

candid student must recognize that the Oregon question, or the controversy over the line from the Rocky Mountains to the Pacific, did not embody claims on the part of any nation that were beyond dispute, and that it reasonably invited a settlement by compromise."[1]

Every addition of territory to the Union, with one exception, has encountered strenuous opposition from a large portion of our people, and awakened gloomy forebodings as to its influence on the future of the country. This single exception was in the case of Florida, the necessity and desirability of its acquisition being universally recognized after the purchase of Louisiana. We have seen how even the authors of this last measure failed to recognize its need or its great benefit to the nation, and how its opponents predicted the dismemberment of the Union as a result of the vast extent of its territory. In the case of the annexation of Texas a very large minority, if not a majority, of the voters of the United States, as judged by the election of 1844, were opposed to the measure; and some of our wisest statesmen, such as John Quincy Adams, regarded the dissolution of the Union as a certain consequence of it.

In the case of Oregon our claim to the territory was recognized as well founded, and the government was supported by the country in its insistence upon a reasonable boundary, but there was a widespread and settled sentiment as to the unwisdom of extending our territory and sovereignty beyond the Rocky Mountains. Mr. Jefferson, even after he fully realized the impor-

[1] 7 Winsor's Critical and Narrative Hist. America, 555.

tance of the Louisiana purchase, regarded it as extremely doubtful whether it would be possible to maintain one government over so great an extent of country, and spoke rather cheerfully of the contingency of an Atlantic and a Mississippi republic in friendly rivalry. As to Oregon, he was quite clear that it would be impracticable to extend our government over it. In a letter dated in 1812 to John Jacob Astor, who had given him a narrative of the difficulties he had encountered in establishing his fur-trading colony at Astoria, he writes encouragingly, and says he looks forward to the time when the descendants of the present settlers would have spread themselves through the whole length of the coast of Western America, as "free and independent Americans, unconnected with us but by the ties of blood and interest, and employing like us the rights of self-government."[1]

Albert Gallatin, one of the most sagacious of our public men, writing at the time of the Oregon boundary controversy, referring to the words just quoted, said: "Viewed as an abstract proposition, Mr. Jefferson's opinion appears correct, that it will be best for both the Atlantic and Pacific nations, whilst entertaining the most friendly relations, to remain independent, rather than to be united under the same government." But he added, it was a question which posterity would have to settle.[2]

The most ardent champion of Western interests during the second quarter of the present century was Senator Benton of Missouri; but even he failed to realize

[1] 9 Writings of Jefferson, 351. [2] 3 Writings of Gallatin, 533.

at the beginning of his career the great destiny which awaited his country beyond the Rocky Mountains. In discussing a bill before the Senate in 1825 for the occupation of the Columbia River, which he favored because it would be the nucleus of a new American republic on the Pacific and result in the frustration of the hostile schemes of Great Britain, he said: "This republic should have limits. The present occasion does not require me to say where these limits should be found on the north and south; but . . . westward we can speak without reserve, and the ridges of the Rocky Mountains may be named without offense, as presenting a convenient, natural, and everlasting boundary. Along the back of this ridge, the western limit of this republic should be drawn, and the statue of the fabled god, Terminus, should be raised upon its highest peak, never to be thrown down."[1] Benton, however, lived to change his views on the subject, and in his compilation of the debates of Congress his speech of 1825 is revised and this portion omitted.[2]

Daniel Webster, in discussing the annexation of Texas in 1845, expressed the opinion that the government was likely to be endangered by a further enlargement of territory, already so vast, and said: "Perhaps the time was not far distant when there would be established beyond the Rocky Mountains, and on the shores of the western sea, a great Pacific republic, of which San Francisco would be the capital."[3] Robert C. Win-

[1] 1 Debates in Congress (Gales and Seaton), 711.

[2] 8 Benton's Debates of Congress, 197.

[3] 5 Webster's Works, 387.

throp, Speaker of the House of Representatives, in 1844 read the extract just given from Benton's speech and fully indorsed his views. During the debate on the Oregon question similar opinions were frequently expressed by members from various parts of the country. Senator McDuffie of South Carolina pictured the difficulty of building a railroad, requiring tunneling through mountains five or six hundred miles in extent, and exclaimed: "The wealth of the Indies would be insufficient;" and as for agricultural purposes, "I would not give a pinch of snuff for the whole territory."

These great men and wise statesmen could not in their times anticipate the influence of two physical factors which have since changed the whole aspect of the question of territorial expansion — steam and electricity. General Lane, the first territorial governor of Oregon, left his home in Indiana, August 27, and, desiring to reach his destination as soon as possible, traveling overland to San Francisco and thence by ship, reached his post on the 1st of March following — the journey occupying six months.[1] At the time our treaty of peace and independence was signed in 1783, two stage-coaches were sufficient for all the passengers and nearly all the freight between New York and Boston.[2] When Jefferson wrote his letter to Astor he could not make the journey from Monticello to Philadelphia as soon as the representative from Oregon can now reach Washington. While it then required weeks to receive intel-

[1] Hermann's Louisiana Purchase, 80.

[2] Fiske's Critical Period, 61.

ligence from the authorities of the new territory of Louisiana, now the events which transpire in our new possessions on the other side of the globe are flashed almost instantaneously to the federal capital.

The establishment of our territorial rights in Oregon was of the utmost importance. The domain acquired was in itself of imperial extent, more than two and one third times that of Great Britain and Ireland; more than a third larger than either France, the German or Austrian empires; and more than two and a half times larger than New York, New Jersey, Pennsylvania, Delaware, and Maryland combined. But its greater importance was that it secured to our nation a foothold on the shores of the Pacific Ocean, now enlarged to a great area, embracing a teeming population and a thriving commerce, confronting the hundreds of millions of Asia and the islands of the sea.

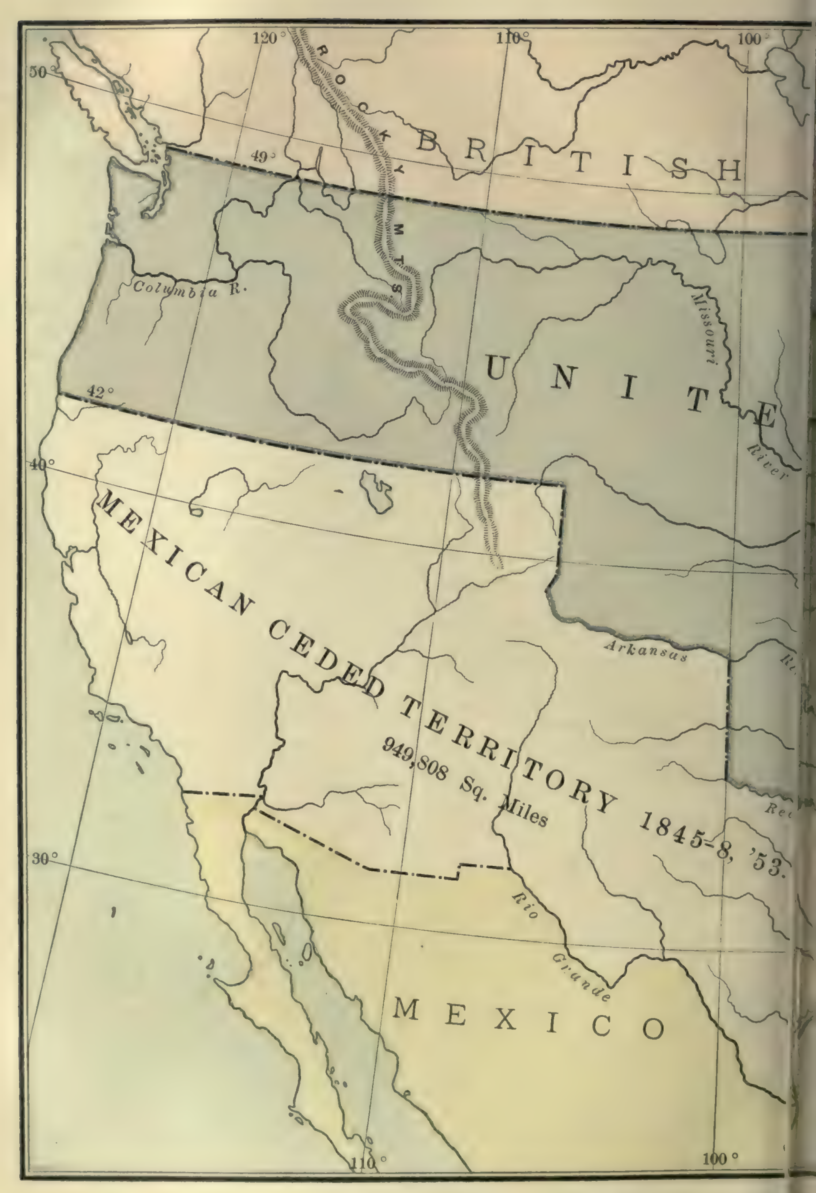
CHAPTER IX

FROM THE MEXICAN TO THE CIVIL WAR

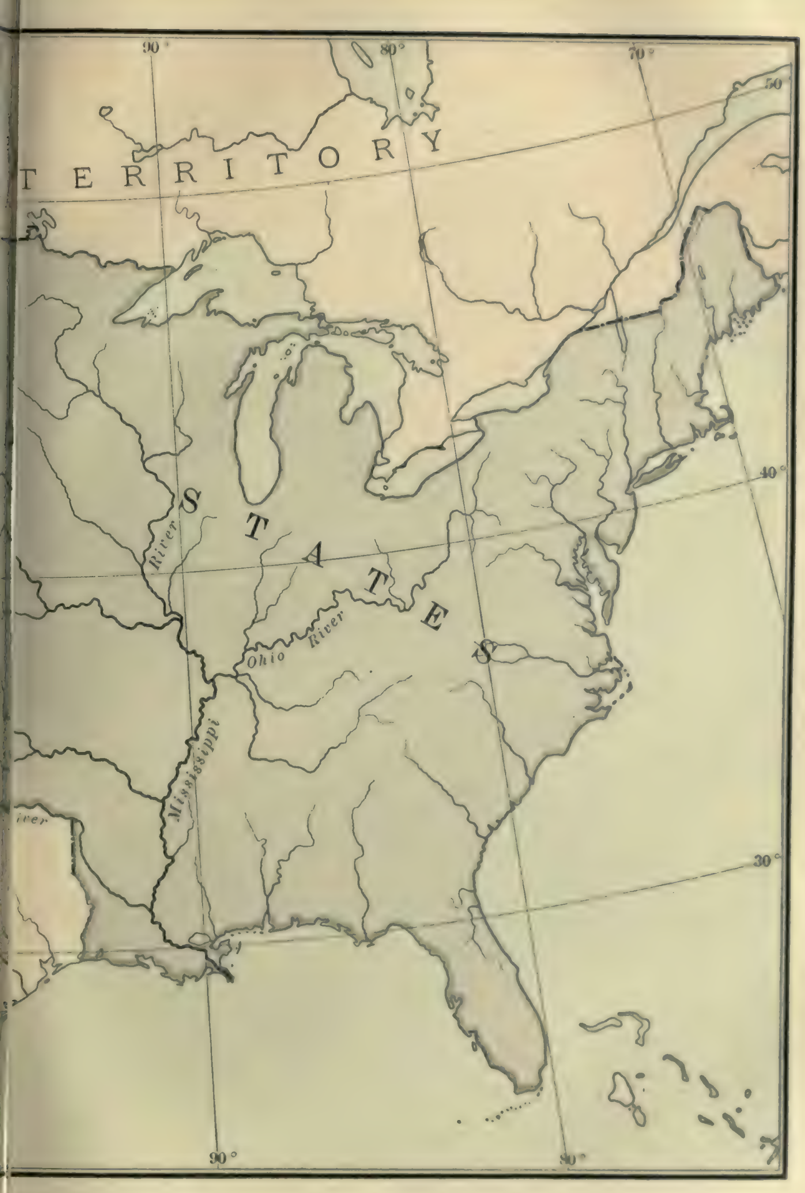
The joint resolution for the admission of Texas as a State of the Union was passed in the closing days of the Tyler administration, but the final act of admission had to be taken by President Polk. There was every reason to believe that Mexico was in earnest in its notice that the annexation would be held as an act of war, and a portion of the federal army under General Taylor was ordered to occupy part of the territory claimed by Texas adjoining Mexico. Texas never having been recognized as an independent state by Mexico, no boundary line had been fixed and it was a subject of dispute. Texan settlements had not extended beyond the Nueces River, and between that river and the Rio Grande there were Mexican settlements and military posts. As Taylor advanced to the Rio Grande he was attacked April 25, 1846, by Mexican troops and they were defeated.

President Polk, on May 11, sent a message to Congress,[1] in which he recited the negotiations which had followed the annexation of Texas, stated the occasion of Taylor's presence in the disputed territory, and charged Mexico with a deliberate act of war. Congress, adopting the language of the President, passed a

[1] 4 Richardson's Messages, 437.



MEXICAN CEDI



RRITORY, 1845–48

joint resolution affirming that, "by the act of the Republic of Mexico, a state of war exists between that government and the United States."[1] Although the policy which brought about the war was opposed by a large part, if not by a majority, of the people of the United States, the joint resolution was promptly passed with slight opposition, only two votes in the Senate and fourteen in the House being recorded against it.

The acquisition of the vast territory which was brought about by the Mexican War is a subject which belongs rather to our military history than diplomacy. But such an important event must not be passed over too briefly. For some years previous to the war rumors were from time to time put in circulation that Great Britain was contemplating a new foothold on the Pacific, and, to forestall these designs, as early as 1835 Secretary Forsyth proposed to the Mexican government the purchase of California, but without a favorable response. Some years later Commodore Jones, of the United States navy, in cruising along the coast, received a report that California had been ceded by Mexico to Great Britain, and he thereupon landed a force at Monterey and declared California annexed to the United States; but having ascertained that the report was unfounded he withdrew his force and sailed away. The government disavowed his act as done without authority.[2]

The war consisted of a series of continuous victories for the American armies under Generals Taylor and

[1] 9 Stat. at Large, 9; May 13, 1846.

[2] Ex. Doc. 166, 27th Cong. 33d Sess. vol. 5.

Scott, and the occupation of the City of Mexico[1] by the latter. Mexico was torn by internal dissensions, due in great part to the machinations of Santa Anna, but its people made a heroic but hopeless resistance, and its government never failed, in its relations with the United States, to bear itself with dignity and courage.

Notwithstanding the large vote by which the war was declared, it was not a popular measure with the American people. There was a feeling that by a more temperate and honorable course it might have been avoided. In this sentiment men of opposite parties like Clay and Webster, Calhoun and Benton, participated. "Why not," exclaimed Benton, "march up to fifty-four forty as courageously as we march upon the Rio Grande? Because Great Britain is powerful and Mexico is weak."[2] Even after the brilliant victories of our armies, in the first general election following the declaration of war, a majority opposed to the administration was chosen to Congress. When it assembled a resolution was passed by the House that the war with Mexico was "unnecessarily and unconstitutionally begun by the President of the United States." Of this resolution Webster said in the Senate, March 23, 1848: "I hold that to be the most recent and authentic expression of the will and opinion of the majority of

[1] On its occupation by the army, General Scott made a levy upon the city of $150,000 for the benefit of his soldiers. The greater portion of this sum was used under a special act of Congress to found a Soldiers' Home, which now adorns the suburbs of the city of Washington. 9 Stat. at Large, 596.

[2] 2 Benton's View, 610.

the people of the United States."[1] In this Congress there appeared for the first time two members, who were to play an important part in a national drama, of which this war may be properly termed the prelude — Abraham Lincoln[2] and Jefferson Davis.

But this sentiment of condemnation did not prevent President Polk from obtaining from Congress all necessary measures to prosecute the war with vigor and the ratification of his action when the terms of peace came to be acted upon. After the occupation of Vera Cruz by General Scott, the President determined to send a special commissioner to accompany the army on its march towards the City of Mexico, as he proposed to embrace any opportunity to negotiate terms of peace. The person selected for this mission was Nicholas P. Trist, the chief clerk of the Department of State, who had formerly acted as private secretary to President Jackson and as consul at Havana. He carried with him a draft of treaty prepared by the Secretary of State, Mr. Buchanan. He was treated by General Scott as an unwelcome guest, calculated to interfere with his military operations, and after reaching the City of Mexico, owing to the indifference of Scott, he had to resort to the good offices of the secretary of the British legation to secure communication and contact with the Mexican peace commissioners. This young secretary, Edward Thornton, years afterwards represented the British government as minister at Washington in a long and honorable service.

[1] 5 Webster's Works, 274.

[2] For Lincoln's speech on the war, 1 Nicolay and Hay's Lincoln, 261.

When Trist submitted to the Mexican commissioners Secretary Buchanan's terms of peace, they rejected them as onerous and unreasonable. Upon receipt of Trist's report at Washington, he was ordered to cease further negotiations and return to the United States. The President reported to Congress that "his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer;" and that any offers which Mexico might make were to be transmitted by the commanding general to Washington. For some time after Trist received the instructions respecting his recall, no safe opportunity for his return through the enemy's country was afforded, and meanwhile the Mexican commissioners manifested a desire to reopen the negotiations. In violation of his instructions Trist resumed his conferences which resulted in the treaty of peace of February 2, 1848, named, from the village in the vicinity of the City of Mexico where it was signed, Guadalupe Hidalgo. Its terms were substantially those drafted by Secretary Buchanan.

A strange sequel is connected with the negotiations. Trist's failure to proceed to Washington brought from the executive an order for his arrest and forcible return to the United States, but when it arrived he had achieved success in the signing of the treaty and the order was not executed. On reaching Washington, he found that his pay had been stopped from the date of his recall, and that he was dismissed in disgrace from the service. Twenty-two years afterwards this matter was made a subject of investigation, and a report from the Senate Committee on Foreign Relations. The re-

port, prepared by Mr. Sumner, with his usual care, is an interesting historical document, containing a review of the negotiations.[1] It says: "Mr. Trist was proud and sensitive. . . . His mission had been crowned with success, but he was disgraced. . . . He determined to make no application at that time for the compensation he had earned, and to await the spontaneous offer of it unless compelled by actual want." The Congress of another generation had learned to appreciate the value of his services to his country, and on April 20, 1871, an appropriation was made in his favor for $14,560.[2]

Senator Sumner says in his report that it was understood the President, on the arrival of the treaty, proposed to suppress it; but unwilling to encounter public opinion, which desired peace, he submitted it to the Senate.[3] Enough blood had been shed, and to despoil Mexico of half her territory was sufficient for even the slavery propagandists. The treaty reached the Senate just as its doors were closing, because of a tragic event at the other end of the capitol. The venerable John Quincy Adams, ex-minister, ex-secretary of state, ex-president, and so long a representative in Congress from Massachusetts, had been stricken down in his seat and lay dying in the rotunda, and both Houses adjourned to mourn with the country over its great loss. His was a singular history, in that after having held the highest posts of honor which the nation

[1] S. Rep. No. 261, 41st Cong. 2d Sess.

[2] 17 Stat. at Large, 643.

[3] 4 Richardson's Messages, 573; S. Doc. No. 52, 30th Cong. 1st Sess. vol. 7.

could bestow, at the age of sixty-five he entered upon the most brilliant part of his career. Neither as diplomatist, secretary, or president did he achieve such lasting renown as that which attaches to him as the representative of a rural district in Congress, fighting almost single-handed the battle of the right of petition.

When the Senate reassembled after the Adams obsequies it entered upon the consideration of the Mexican treaty of peace, and, after a two weeks' discussion and stout opposition, it was ratified with certain amendments. Two commissioners were sent to Mexico to secure the favorable action of the Mexican government. On their arrival at Queretaro, the temporary capital, the Mexican Congress had ratified the treaty with the Senate amendments. Before the exchange of ratifications, the American commissioners found it necessary to make certain explanations as to the effect of the Senate amendments upon the treaty, which explanations were reduced to the form of a protocol signed and sealed by the American commissioners and the Mexican Minister of Foreign Affairs. This protocol was not published with the treaty, but its contents becoming known, the President in response to a resolution, sent the protocol to the House of Representatives, with a message in which he declared that this instrument had no effect whatever upon the treaty, because it had not been submitted to the Senate for ratification.[1]

An acrimonious debate followed, in which the President and his commissioners were charged with duplicity and bad faith, in securing the final approval of the

[1] H. Ex. Doc. No. 50, 30th Cong. 2d Sess.

Mexican government through a belief in the binding validity of the protocol. The Mexican minister in Washington, who was at the time the Minister of Foreign Affairs who had signed the protocol, likewise engaged Secretary Buchanan in a correspondence on the subject.[1] The latter correctly maintained that the protocol not having been passed upon by the Senate, it could not be held in any way to modify the treaty; but the action of the Executive Department of the government was of very questionable propriety.[2]

The judgment of history is that the annexation of Texas and the consequent Mexican War were brought about for the purpose of strengthening the institution of slavery in the United States. These acts met with strong condemnation in the Northern States. Little palliation for the immense territory taken was found in the fact that the sum of fifteen millions of dollars was paid as a consideration. General Grant echoed the prevailing sentiment in the North when he pronounced the war "one of the most unjust ever waged by a stronger against a weaker nation. . . . The occupation, separation, and annexation [of Texas] were, from the inception of the movement to its final consummation, a conspiracy to acquire territory out of which slave States might be formed for the American Union.[3]

[1] H. Ex. Doc. No. 5, 31st Cong. 1st Sess.

[2] For other documents see H. Ex. Docs. Nos. 40, 56, 60, 69, 70, 30th Cong. 1st Sess.

[3] Mr. Trist reported to Secretary Buchanan that during the peace negotiations the Mexican commissioners asked that, as the territory to be ceded was now free from slavery, so decreed by the Mexican constitution, a stipulation be inserted in the treaty that it should continue to be

Even if the annexation itself could be justified, the manner in which the subsequent war was forced on Mexico cannot. . . . The Southern Rebellion was largely the outgrowth of the Mexican War. Nations like individuals, are punished for their transgressions. We got our punishment in the most sanguinary and expensive war of modern times."[1]

This is a true but the dark side of the picture. While we wrested this imperial domain from Mexico by conquest and injustice, we took territory from her of which she had made little use; we gave to its few inhabitants the benefits of our government and civilization; we have made it the home of millions of people; and have developed its great wealth and boundless resources. President Polk, in a message to Congress asking for legislation to carry the treaty into effect and to organize the new Territory, well divining the future importance of this great acquisition, said: "It would be difficult to estimate the value of these possessions to the United States. They constitute of themselves a country large enough for a great empire, and the acquisition is second only in importance to that of Louisiana in 1803. . . . Our future destiny will be without a parallel or example in the history of nations."[2]

free territory. To this the American commissioner replied that the bare mention of the subject in a treaty was an utter impossibility; that if the territory should be covered all over a foot thick with pure gold, on the single condition that slavery should be excluded therefrom, he could not even entertain the proposition, nor think for a moment of communicating it to the President. S. Doc. No. 52, 30th Cong. 1st Sess. vol. 7, p. 199.

[1] 1 Grant's Personal Memoirs, 53-56.

[2] 4 Richardson's Messages, 587.

While the spirit of slavery extension was the ruling motive which controlled the conduct of our government in the annexation of Texas and the Mexican War, frankness compels us to admit that another sentiment, in which the American people largely participated, entered into the final result. The extension of the national domain has always been popular in the United States. The prevailing opinion, aside from considerations as to the effect on the institution of slavery, was that Texas was destined to become a part of the American Union, and no administration would have been pardoned by the people which allowed it to pass irrevocably from our control. President Tyler reflected this sentiment when, in transmitting the treaty for the annexation of Texas to the Senate, he said: "There exists no civilized government on earth, having a revolutionary tender made to it of a domain so rich and fertile, so replete with all that can add to national greatness and wealth, and so necessary to its peace and safety, that would reject the offer."[1] While the opposition party in the House of Representatives had declared the war unnecessary and unconstitutional, when the terms of peace came to be agreed upon, no serious thought was entertained of refusing the ceded territory. Said Senator Dayton, a leading member of the opposition: "If the question of no territory was to be made the test, there would be an end of the Whig party before the end of the year."[2]

The Mexican War afforded Mr. Buchanan, as Secretary of State, little opportunity for diplomatic work,

[1] 4 Richardson's Messages, 312. [2] 16 Debates of Congress, 186.

but it is to his credit that it was so conducted as to avoid any serious complaint on the part of other governments. The encroachments of Great Britain on the Mosquito Coast, and other portions of Central America, drew from him some pointed declarations respecting the paramount interest of the United States in the Isthmus of Panama, and tending to broaden the application of the Monroe Doctrine. During this term a number of commercial treaties were made, one of which, that with New Granada, or Colombia, in 1846, has had special significance. Its Article 35 contains a stipulation whereby the United States agrees to "guarantee positively and efficaciously . . . the perfect neutrality of the isthmus" [of Panama] and "the rights of sovereignty and property which New Granada has and possesses over the said territory."

This is the nearest approach to an alliance or guarantee of sovereignty made by the United States since its release from the obligations of the treaty with France of 1778. The acquisition of California, and the construction by American citizens of a railroad across the isthmus made this guarantee an important one. Under the article cited it has been held that the United States is authorized and required to protect the transit of the isthmus from foreign invasion, and to compel Colombia to keep the transit free from domestic disturbance. Because of the failure or inability of Colombia to maintain the latter, the government of the United States has, on repeated occasions, sent its naval forces to the isthmus, and landed troops to preserve the peace and secure free transit.

One of the last diplomatic achievements in Mr. Polk's term was the negotiation of a postal convention between the United States and Great Britain, brought about by the rivalry of the steamship lines plying between New York and Liverpool.[1] It marks the beginning of the long list of postal conventions which has made our communication with foreign nations so easy and rapid.

The administration of Polk closed under circumstances more flattering than any since the successful term of Monroe. He entered upon his duties with an ambition to attain four objects, — the settlement of the Oregon dispute, the annexation of Texas, the acquisition of California, and a change in the tariff system, — and in all of these he was completely successful.

Following the Democratic administration of Polk, the Whig party, recovering from the disappointment and disorganization of Tyler's defection, returned to power in 1849, under the presidency of General Zachary Taylor, a hero of the Mexican War. The annexation of Texas and the addition of the vast domain acquired through the Mexican War brought to the country perplexing and exciting questions in connection with slavery, and the administration was mainly absorbed with domestic affairs, but several interesting foreign matters received attention. John M. Clayton, called to the post of secretary of state, was not a man of commanding talent, in this respect falling below several of his recent predecessors; but he had long

[1] 5 Schouler's U. S. 124.

been a prominent member of the Senate, and was a gentleman of education and culture.

He is best known through the Clayton-Bulwer treaty of 1850, providing for a joint protectorate by the United States and Great Britain over the projected Nicaraguan Canal and for its complete neutralization, and also for an adjustment of questions respecting the British settlements of and protectorate claimed over certain portions of Central America. This negotiation and treaty will be further discussed in connection with the Monroe Doctrine,[1] and it will suffice now to say that from the date of its ratification it has been a constant source of discussion and disagreement, and has generally been regarded as the most serious diplomatic mistake in our history.

Taylor's death and the accession of Vice-President Fillmore brought about a change of cabinet, and Daniel Webster, for a second time, was intrusted with the management of our foreign relations. Cuba, which in the past fifty years has been such a perennial source of international trouble, was just then the exciting cause of difference with not only Spain, but also England and France. Fillibustering expeditions organized in American territory, with apparently little support among the resident Cubans, became so threatening that a proclamation against them was issued in 1849 by President Taylor,[2] and, this proving insufficient, a further one was issued in 1851 by Fillmore.[3] There was a widespread sympathy throughout the country for

[1] Infra, chap. xii.

[2] 5 Richardson's Messages, 7.

[3] Ib. 111.

the movement, but it was strongest in the Southern States, largely inspired by a hope that it would result in annexation and the increase of the slave power. The efficacy of the neutrality laws was put to a severe test, and the Spanish government was constantly complaining of their lax enforcement. The governments of Great Britain and France, sympathizing with Spain, gave instructions to their naval officials to coöperate with the Spanish war vessels in preventing the landing of fillibustering expeditions, and this action led to vigorous protest from our government against the exercise of police powers by the English and French navies so near to American waters.[1]

At a later period in this administration Great Britain and France proposed to the United States a tripartite treaty guaranteeing the possession of Cuba to Spain, and a disavowal of any intention on their part to acquire the island. Edward Everett, then acting as Secretary of State, replied in a lengthy and able letter declining the proposal, which was accepted by succeeding administrations as a proper statement of our attitude on the status of Cuba.[2]

After the unsuccessful landing of several expeditions organized on American territory, the movement collapsed with the capture of the leader Lopez and his band, and the prompt execution of a large part of his force, which was mainly composed of Americans. This caused intense indignation in the United States, and at New Orleans the excited citizens in the form of a mob

[1] S. Ex. Doc. No. 1, 32d Cong. 1st Sess. pp. 74–82.

[2] 1 Wharton's Int. Dig. 562.

attacked and demolished the Spanish consulate, the newspaper office, and various stores and shops of Spanish residents, without any attempt at restraint by the local authorities.

The Spanish minister at Washington, under instructions from his government, promptly made a demand of reparation for the insult to the flag and consulate, and of indemnity for the losses and injuries sustained from the mob by Spanish subjects. A correspondence with the Secretary of State followed, in which Mr. Webster, in a carefully written and able note to the Spanish minister, recognizing the outrage done to the consulate, offered to make due reparation on that account, but he claimed that the Spanish subjects were entitled to receive no other or greater protection than American citizens, and that they must resort to the local courts for redress of their injuries, either against the individuals who inflicted the wrongs or against the municipality which failed to protect them.[1] As public sentiment was almost entirely on the side of the rioters, the remedy indicated was a virtual denial of redress. While this position has been sustained by such distinguished successors in the office as Evarts, Blaine, and Bayard[2] as a correct statement of our domestic law, Mr. Webster's sense of justice did not allow him to leave the subject in that condition; and on his recommendation Congress, as a matter of grace and comity, voted an appropriation from the national treasury to

[1] S. Ex. Doc. 1, 32d Cong. 1st Sess. vol. 1.

[2] Evarts, Foreign Relations, U. S. 1881, p. 319; Blaine, Ib. 335; Bayard, Ib. 1886, pp. 158–167.

pay the losses sustained.[1] The precedent then established has been followed in similar cases.[2]

The conduct and correspondence of Secretary Webster respecting the New Orleans riot won for him much praise in diplomatic circles. Lord Palmerston, British Secretary for Foreign Affairs, in a dispatch to his representative in Washington, wrote: "It is highly creditable to the good faith and sense of justice of the United States government, and the President has more rightly consulted the true dignity of the country, by so handsome a communication, than if the acknowledgment of wrong and the expression of regret had been made in more niggardly terms." [3]

Another matter having relation to our foreign intercourse, and which attracted great interest throughout America and Europe, had its origin in the Hungarian revolt of 1848, when the democratic uprising threatened so many thrones in the Old World. President Taylor dispatched a secret agent to Europe to study the situation, with a view to the recognition of the independence of Hungary if the facts justified it; but before this agent reached Hungary, Russia had come to the aid of Austria and put down the rebellion, and Kossuth and the other Hungarian patriots had found refuge in Turkey. No action was therefore taken by our government, but the documents relating to the subject were sent to Congress by the President, accompa-

[1] H. Ex. Doc. 113, 32d Cong. 1st Sess.; 10 Stat. at Large, 89.

[2] Chinese, H. Ex. Doc. 102. 49th Cong. 1st Sess.; Italians, For. Rel. 1891, p. 727.

[3] 2 Curtis's Webster, 556.

nying his annual message of December, 1849, in which he said, in explanation of the agent's mission: "I thought it my duty, in accordance with the general sentiment of the American people, to stand prepared, upon the contingency of the establishment by her of a permanent government, to be the first to welcome Hungary into the family of nations."[1] Whereupon the Austrian chargé in Washington, Mr. Hülsemann, sent a note to Secretary Clayton, protesting against the action of our government as an unjustifiable interference in the affairs of an independent and friendly nation.

The correspondence was in progress at the dissolution of the Cabinet on Taylor's death, and after Webster became Secretary of State the chargé renewed his protest in more positive language. Mr. Webster's reply, couched in equally positive and scarcely more courteous terms, was a lengthy review of the principles which govern the United States in recognizing governments founded on revolution and popular will, vindicated its action in the case under review, and contained a glowing statement of the growth and destiny of the young republic of the New World.[2] It created much enthusiasm among the American people, but it did not escape criticism. A historian characterizes it as "hardly more than a stump speech under diplomatic guise."[3] In a private letter Mr. Webster makes this explanation of its temper: "If you say that my Hülsemann letter is boastful and rough, I shall own the soft impeachment. My excuse is twofold. First, I thought

[1] 5 Richardson's Messages, 12.

[2] 6 Webster's Works, 488–506.

[3] 1 Rhodes's U. S. 206.

it well enough to speak out and tell the people of Europe who and what we are, and awaken them to a just sense of the unparalleled growth of this country. Second, I wished to write a paper which would touch the national pride." [1]

Probably no paper emanating from the State Department ever met with a more widespread popular approval in America. It appeared soon after our successful war with Mexico and the resultant territorial expansion, and it was in vindication of the nation's sympathy for the cause of republicanism in Europe as represented in the popular hero Kossuth, soon to visit the United States as the guest of the nation. He was, in accordance with a resolution of Congress,[2] brought from his refuge in Turkey on an American man-of-war, praised by the President in his annual message,[3] was presented by the Secretary of State to the President, received by both Houses of Congress with much ceremony,[4] and his progress through the country was marked by the most enthusiastic demonstrations.

The effect of all these attentions led Kossuth into a serious misapprehension of the proper functions and sphere of influence of our government, and for a time it seemed as if our own people might, through their enthusiasm for this patriot and orator, be likewise led astray. He sought to enlist our government and its citizens in measures for renewed efforts towards Hungarian independence through political and financial aid.

[1] 2 Curtis's Webster, 537.
[2] 9 Stat. at Large, 647.
[3] Dec. 2, 1851, 5 Richardson's Messages, 119.
[4] 10 Stat. at Large, 145.

But the sober second thought brought our public men and our people back to a sense of the true destiny of the republic, and in this way they were greatly aided by Kossuth's own indiscreet conduct. It soon became apparent that in all this Hungarian business we had departed from the policy marked out by Washington to abstain from intermeddling in the political affairs of Europe, and that our action was inconsistent with the Monroe Doctrine, whereby we sought to exclude European nations from extending their political influence on the American hemisphere.

The Hungarian question terminated unfortunately for the Austrian chargé, Mr. Hülsemann. He became quite indignant at the honors bestowed upon Kossuth by the government and its citizens, and he addressed a note to Secretary Webster, protesting against these acts and particularly a speech of the Secretary of State at a banquet given in Washington to Kossuth. To this note Mr. Webster made no reply. Obtaining no satisfaction in that quarter, he called personally on the President, and laid his protest before him. This was followed by a notice from the Secretary of State that the government would hold no further intercourse with him, and that he must confine himself to written communications addressed to the Department of State. In answer to this notice he addressed a communication to Secretary Webster, April 20, 1852, stating that his government would not allow him "to remain here any longer, to continue an official intercourse with the principal promoters of the much to be lamented Kossuth episode." Mr. Webster, in reporting Mr. Hülsemann's

departure to the American representative at Vienna, states that he was not well informed as to his duty and privileges, as his rank was that of secretary of legation and *ad interim* chargé; that as such he had no right to personally appeal to the President against newspaper criticisms and the unofficial remarks of the Secretary of State, or to converse with the President on matters of business; and that no foreign government can take just offense at anything an officer of this government may say in his private capacity.[1]

The foregoing events made Webster's second term as Secretary of State as famous as his first, but to them is to be added another even more important in its influence on the world. The enterprising American mariner, in navigating the Pacific Ocean in search of new fields for American commerce, had encountered the islands of the Japanese Empire, with its ports closed to foreigners. All their efforts to establish trade or intercourse of any kind had failed, and in case of stress of weather vessels driven on to its coasts had been seized and its sailors maltreated. This unsatisfactory state of affairs had been brought to the attention of the government, and various efforts to remedy it had been unsuccessful. In 1832, an agent of the Department of State had been dispatched in a naval vessel to the Pacific Ocean, and he was instructed to obtain "information respecting Japan and the means of opening a communication with it;" but nothing came of this mission. In 1845, Commodore Biddle was directed to visit Japan and ascertain if its ports were accessible.

[1] S. Ex. Doc. No. 92, 32d Cong. 1st Sess.

He entered the port of Yeddo (Tokio), but was told by the authorities that it was the immemorial policy of the country to exclude foreigners from its ports and from trade. Four years later another American commodore went to Nagasaki to secure the release of some shipwrecked sailors, and he reported that he thought it "a favorable time for entering upon negotiations with Japan."

This report being brought to Secretary Webster's attention, he prepared instructions for the Navy Department, in June, 1851, which in November, 1852, were transferred to Commodore Perry, who was dispatched with an adequate naval force to compel an audience with the Japanese authorities; and he bore credentials authorizing him "to negotiate and sign a treaty of amity and commerce between the United States and the Empire of Japan." He entered the Bay of Yeddo with his fleet, and by firm persistence succeeded in concluding a treaty, March 31, 1854, by which two Japanese ports were opened to trade with the United States, and a consul was authorized to be appointed.[1] This event is referred to by Secretary Seward as the time "when we gently coerced Japan into friendship with us," and it was the first step in the opening of Japan to the world, as similar treaties were soon after negotiated by other Western nations.

In some respects Mr. Webster is the most noted of the Secretaries of State. Others have had longer ser-

[1] For reports and details of these events, S. Ex. Doc. No. 59, 32d Cong. 1st Sess.; S. Ex. Doc. No. 34, and H. Ex. Doc. No. 97, 33d Cong. 2d Sess.

vice, have ably dealt with more intricate and important questions, and have contributed more to the volume of international law and diplomatic precedents. But his services and fame as secretary shine with the reflected light of his greater reputation as a lawyer, legislator, and orator. His personal appearance and qualities likewise contributed to his fame. His was a commanding physique, of large frame, massive head, raven black hair, broad forehead, deep-set piercing eyes, and swarthy complexion. His dress, of the old Revolutionary colors of blue and buff, also lent attraction to his person. A witticism is credited to Sydney Smith that Webster "was a living lie, because no man on earth could be so great as he looked."[1] He closed his earthly career in 1852, while still secretary, soon after he had been rejected by his party convention as its candidate for president, a soured and disappointed statesman. But he was one to whom that high office could bring no greater fame. As long as brilliant and skillful diplomacy is admired, as long as the Constitution of the United States endures, as long as English literature is read, so long will Daniel Webster be remembered.

On the accession of Mr. Pierce to the presidency in 1853, William L. Marcy became Secretary of State. He possessed large experience in public affairs, serving as governor of New York, for successive terms as senator, and as secretary of war under Polk, but he was best known as a partisan leader. It was he who first made in a public debate in the Senate the announcement "To the victors belong the spoils," and of

[1] Moore's American Congress, 244.

whom it has been said that he would rather be wrong with his party than right without it. It is due to him, however, to say that, while in domestic affairs of that stirring period he was a strict partisan, his management of our foreign relations was marked by exalted patriotism and a high order of ability.

Matters of more than ordinary importance occupied his attention. Among the first of these was one that reawakened the interest of Americans in the Hungarian cause, which had died away with the disappointment and departure of Kossuth. Koszta, a Hungarian refugee, had declared his intention to become an American citizen, but before his naturalization was perfected he went to Turkey on business, and while in Smyrna was arrested and placed on board an Austrian man-of-war in the harbor. His release was demanded by the American consul on the ground that he had taken the first step toward his citizenship. Meanwhile Captain Ingraham arrived in the port with an American naval vessel and asked for Koszta's delivery, under threat of resort to force unless released within a given time. It was finally arranged that he should be placed in custody of the French consul, until his case should be settled between the two governments. A correspondence followed in which Secretary Marcy fully sustained the action of the consul, and his course was enthusiastically indorsed by the American people. Koszta was ultimately released, without prejudice to the conflicting claims, and he returned to the United States. The attitude of our government has, however, been somewhat modified on the question, and the action of a

consul in such a case would now be sustained, if at all, rather upon the ground of an acquired domicile than of a claim of citizenship.[1]

The subject of naturalization and expatriation has been the occasion of much diplomatic correspondence and controversy on the part of the government of the United States with European powers. From the beginning of our national existence we have encouraged immigration; liberal laws for the naturalization of foreigners have been passed; and the right of expatriation has been maintained. In this branch of international law the attitude of the United States has had a marked effect upon the practice of nations. One of the chief causes of the War of 1812 was because of the impressment of seamen, naturalized citizens of British birth, taken from American vessels. The old common law doctrine was that no British subject could denationalize himself, and that he owed perpetual allegiance to the crown; but the persistent claim of the United States was finally recognized by Parliament in the naturalization act of 1870. The doctrine of expatriation is now generally accepted by the nations of the world, and the United States has succeeded in having it embodied in many of its treaties.

One of the most useful achievements of Mr. Marcy was the negotiation of a reciprocity treaty with Canada. From the time that the Provinces acquired the right to regulate their own tariff in 1845, various efforts had been made, through negotiations and proposed recip-

[1] For official documents, H. Ex. Doc. No. 1, 33d Cong. 1st Sess. pp. 25–52; H. Ex. Doc. 91; and S. Ex. Doc. 53, same session.

rocal legislation, to place the relations of the neighboring countries on a better and freer commercial basis, but nothing came of them. Finally, in 1854, Great Britain empowered Lord Elgin, then governor-general of Canada, and afterwards famous in the Orient, to come to Washington and enter upon direct negotiations with the Secretary of State. He was accompanied by the Prime Minister of Canada and a full staff of experts and assistants, and was cordially welcomed by our government. After a careful study of the subject a treaty was agreed upon and proclaimed, providing for the free exchange of a list of articles, mostly natural products, the reciprocal privilege of fishing in territorial waters, and the use of the rivers and canals on equal terms. The effect of the treaty was to largely increase trade between the two countries.

One of Lord Elgin's secretaries, in a book of reminiscences published many years after the event, gives quite a graphic account of the negotiations, and boastfully claims a masterly triumph for British diplomacy.[1] He narrates how Mr. Marcy informed Lord Elgin, on his arrival, that, although he was favorable to the desired treaty, there was no chance to get it confirmed by the Senate, because his own party senators were opposed to it. The noble lord thereupon undertook to convert the democratic senators by social courtesies and champagne. After ten days of dining and wining, the British diplomatist informed Secretary Marcy that he could assure him that the necessary majority in the

[1] Episodes in a Life of Adventure, Lawrence Oliphant, p. 40; Memoirs of Lawrence Oliphant, 120, 130.

Senate was now secured, whereupon the plenipotentiaries set to work to prepare the treaty. He describes the completion of the final draft and signing of the treaty in the hours after midnight, when the decrepit and drowsy secretary, "far gone in years," was "being done by an English lord," and modestly records: "We were tremendously triumphant; we have signed a stunning treaty." Upon such imaginary facts, unfortunately, the record of history is too often made.

At the end of its term in 1865 the treaty was terminated in accordance with a resolution of the Congress of the United States, but that action was influenced more by the unfriendly conduct of Canada during our Civil War than by the results of the reciprocity. It was defective, but there was a strong sentiment in Congress to have it revised and continued, and it is most probable that this would have been done but for the resentment existing in the North because of Canadian sympathy with the rebellion.[1] Canada's folly cost her a most advantageous trade relation with her neighbor, which might have continued indefinitely. Her repeated efforts to regain it have thus far proved fruitless.

An apparently trivial instruction issued by the Secretary of State soon after he entered upon his duties was the subject of much discussion and criticism, and its echoes are still heard at this day; for a time it even threatened the good relations of our ministers at more than one European court. Mr. Marcy, in familiarizing

[1] For debates in Congress, Congressional Globe, 38th Cong. 1st Sess. Pt. 3, pp. 2333–38, 2452–56, 2502–09; 2d Sess. pp. 35, 95–97, 204–206. For Joint Resolution of Congress, 13 Stat. at Large, 566.

himself with the service, found that a uniform had been prescribed by the department for our diplomatic representatives on state occasions, and being a man of plain, democratic habits and principles, he sent them a circular letter recommending them to appear at court "in the simple dress of an American citizen," though he failed to inform them just what that dress was. It was received by the ministers at European courts with dismay, as they well knew what was before them.

The experience of Mr. Buchanan, our minister at London, will illustrate their situation. He reports to Secretary Marcy that soon after the circular became public through the comments of the London papers, he made the acquaintance of Queen Victoria's master of ceremonies, who manifested much opposition to the minister's appearance at court in "the simple dress of an American citizen," and said that of course he could not expect to be invited to court balls and dinners.[1] Presently he received an invitation from the master of ceremonies to the opening of Parliament, but as the invitation contained a printed notice "that no one can be admitted to the diplomatic tribune . . . but in full uniform," Mr. Buchanan did not attend. His absence was the subject of general comment in the London press, and caused quite a sensation in society.[2] The minister finally solved the momentous problem by consenting to buckle a black-hilted dress sword on his usual dress suit, and thus accoutred he was graciously received by the Queen and her court. He wrote: "I

[1] 2 Curtis's Life of Buchanan, 107.

[2] S. Ex. Doc. No. 31, 36th Cong. 1st Sess. p. 16.

confess that I never felt more proud of being an American than when I stood in that brilliant circle, in 'the simple dress of an American citizen,'" and he adds: "Many of the most distinguished members of Parliament have never been at court because they would not wear the prescribed costume."[1] Mr. Marcy encountered much ridicule on account of his circular, but the American people have indorsed it by enacting a similar provision into a law of Congress now in force.[2]

Pierce's administration is noted as the heyday of the filibuster. "Young America" was then rampant and the spirit of slavery extension was reaching out for new territory to the South. The strange career of a notorious character, William Walker, a native of Tennessee and an adventurer in California, illustrates the spirit of the period. His first experience as a filibuster was an attempt to detach Lower California from Mexico, but his expedition proved a failure. He a second time organized a band of adventurers at San Francisco, and, championing the cause of a local revolutionist, he made a descent upon Nicaragua, and succeeded in gaining control of the government of that little republic. He issued a decree legalizing slavery, and sent a priest, Father Vigil, as minister to Washington, where he was received by President Pierce.[3] But Walker's success was only temporary, as the outraged people of Nicaragua drove him from the capital, and he and his American followers were only saved by the interposition of a

[1] Ib. 19.

[2] U. S. Revised Statutes, sect. 1688.

[3] 5 Richardson's Messages, 373.

United States naval vessel, which carried them away from the country.

Another prominent propagandist of the extension of American influence over territory to the south of us was Quitman, a general of the Mexican War, late governor of Mississippi, and then a congressman-elect. He was planning new attempts on Cuba. These events brought out protests from Mexico, Central America, and Spain, and proclamations from the President, followed by half-hearted efforts at the enforcement of the neutrality laws. But the most distinguished and one of the most able of the advocates of southern expansion was Pierre Soulé, a fiery Southerner, who had been sent as minister to Spain, with instructions to negotiate for the purchase of Cuba.

Soulé had a romantic history. A native of France, he had, as a plotter against the established government while a young man, been held as a prisoner of state. Escaping to America, his talents soon gave him a prominent place in the politics of Louisiana. Having incurred the deep-seated hostility of Louis Napoleon, on his way to his post at Madrid, he was not permitted to tarry in France, but was required to pass through its territory under surveillance. In the Spanish court he had to contend against the French influence, headed by the mother of the Empress Eugénie, the French ambassador, the Spanish Minister of Foreign Affairs, with whom when minister in Washington Soulé had quarreled, and other high officials. Soon after his arrival, owing to a supposed affront offered to Mrs. Soulé, two duels were fought, one between Soulé's son and the Duke of Alva,

brother-in-law of Louis Napoleon, and the other between Minister Soulé himself and the French ambassador, in which the latter was severely wounded and lamed for life.

It may well be inferred that under such circumstances little progress had been made towards the purchase of Cuba. But following soon upon the duels came the news of the seizure in Havana of an American merchant vessel, the Black Warrior, charged with violations of the customs laws or port regulations. Owing to the arbitrary conduct of the Cuban authorities, the master of the vessel felt compelled to abandon her to the latter. When the news reached Washington it caused considerable excitement, but it was mainly confined to the slavery element, as the North was too deeply engrossed with the Kansas-Nebraska question to manifest much indignation over an event calculated to enhance the prospect of the annexation of Cuba. The President sent a message to Congress, communicating the event and stating that a demand for indemnity had been made upon Spain.[1] The instruction sent to Minister Soulé was to demand an indemnity of $300,000; the President's hope was expressed that the Spanish government would visit with its displeasure the Cuban officials, and that "as early a reply as practicable" should be obtained.

Soulé felt that his opportunity had arrived. In the first instance he called upon the Spanish minister, rehearsed the facts in the case, and left with him a note in which he closely followed his instructions.[2] Three days

[1] H. Ex. Doc. 76, 33d Cong. 1st Sess.

[2] H. Ex. Doc. 93, 33d Cong. 2d Sess. p. 69.

having passed without an answer, he sent a second note, in which he intensified and exceeded his instructions; to the demand for indemnity he added the requirement that all persons concerned in the wrong should be dismissed from the service, and that these demands should be complied with in forty-eight hours.[1] The secretary of legation, in delivering the note to the Spanish minister of state, pointed to the clock, then exactly at twelve, and indicated that in precisely two days the answer would be due. These notes reached the foreign office during holy week, when it is not usual to dispatch business, but the day after the second note was received, April 12, 1854, a reply was sent by the minister couched in the best style of the proud Castilian. Careful attention, it said, would be given to the affair when full information was received; it was unreasonable to expect that so grave a case should be determined upon the hearing of one side only; and it was added that the Spanish government was "not accustomed to the harsh and imperious manner with which this matter has been expressed; which, furthermore, is not the most adequate for attaining the amicable settlement which is wished for."[2]

Soulé could do nothing but forward this reply to his government, though he fully anticipated it would bring instructions to break off diplomatic relations. When this correspondence reached Washington the excitement had completely died out; the Black Warrior had been released, with great marks of consideration on the part of the Cuban authorities; and the warlike

[1] H. Ex. Doc. 93, 33d Cong. 2d Sess. p. 70. [2] Ib. 73.

instructions which Soulé expected were never sent. In the heated state of the country over the slavery question in Kansas, such a case could not be exaggerated into a cause of war; and Marcy, the experienced politician and cool-headed Secretary of State, left his excitable minister to fret at Madrid over his silence.[1]

But another opportunity soon opened to Soulé to exploit his expansion schemes. While Marcy was not ready to plunge the country into war because of the provocation just narrated, he was quite anxious to bring about the annexation of Cuba, and he cherished the delusion that it could be accomplished by purchase. Accordingly he instructed Soulé to join Mason, our minister in Paris, and Buchanan, minister in London, in a conference with a view to concerting some plan for the acquisition of Cuba, in a way that would overcome the opposition of France and England, and would satisfy both the honor and cupidity of Spain. The three envoys met in October, first at Ostend and afterwards adjourned to Aix-la-Chapelle, and the result of their conference was the issuance of a remarkable document, mainly the work of Soulé, known as "The Ostend Manifesto." It set forth the reasons which impelled the United States to desire the acquisition of the island, why Spain should yield to this desire, and why the transfer would redound to the benefit of the European governments and commerce. The price, it stated, should not exceed a certain maximum sum, which was not inserted, but it is understood was fixed at $120,000,000; and it was intimated that if Spain

[1] Ib. 105, 107.

should refuse this liberal offer, the United States would be justified "by every law, human and divine," in taking the island by force.[1]

Soulé was highly elated at his success in bringing his colleagues, Mason and Buchanan, to his views, but he was destined a second time to have his hopes dashed by his chief. When the "manifesto" reached Marcy's hands he at once saw the fatal error into which the envoys had fallen, and in an instruction to Soulé plainly indicated his dissent from the course indicated. He affected to believe that the envoys did not "recommend to the President to offer to Spain the alternative of cession or seizure," then proceeded to argue against such a proceeding, and notified Soulé that if the Spanish government was not willing to entertain a proposition for a peaceful purchase, the negotiations should not be further pressed.[2] Upon receipt of this dispatch Soulé felt that he could no longer serve under a secretary of state who so constantly frustrated his plans, and he indignantly tendered his resignation.

The sentiment in the United States was generally averse to the "manifesto." Even the Southern expansionists felt that the envoys had overreached themselves. In the North the anti-slavery press was not stinted in its condemnation. It was styled "atrocious in its recommendations;" the "manifesto of the brigands;" and that it meant: "If Spain will not sell Cuba, we must steal it." In Europe our reputation for statecraft was greatly tarnished by Soulé's conduct and this document. The London Times, in discussing the

[1] H. Ex. Doc. 93, 33d Cong. 2d Sess. p. 127. [2] Ib. 134.

subject, echoed the prevailing judgment when it said: "The diplomacy of the United States is certainly a very singular profession."[1]

The Crimean War brought us into diplomatic conflict with Great Britain, because of the attempt of the minister and consuls of that country to carry on enlistment for the British army at various places in the United States in disregard of the laws, and their conduct led to the dismissal of the minister and the consuls at New York, Philadelphia, and Cincinnati. Crampton, the British minister, had long resided in the United States, was popular in society, and greatly liked by members of the Cabinet.[2] His offense was that, in conjunction with the consuls at the places named, he had conducted an extensive system of recruiting for military service, in plain violation of the neutrality laws of the United States. An opportunity was afforded the British government to transfer him to another post, but this it declined to do, and no alternative was left the Secretary of State but to send him his passport and require him to leave the country.[3] The incident occasioned much excitement in England, and its press demanded the dismissal of the American minister at London, but the offense was too clearly established to justify retaliation.

At the conclusion of the Crimean War the conference of European powers, which joined in the peace, also united in a series of declarations at Paris in 1856,

[1] 2 Rhodes's U. S. 43.

[2] 1 Life of Jefferson Davis, by his wife, 569.

[3] For official documents, H. Ex. Doc. No. 107, 34th Cong. 1st Sess.

which they designed, by the adhesion of other nations, to have incorporated into the recognized code of international law. These rules were, briefly stated, (1) the abolition of privateering; (2) the exemption from seizure of an enemy's goods under a neutral flag; (3) a like exemption of neutral goods under an enemy's flag; and (4) that a blockade, in order to be valid, must be effective.

All these but the first had been long advocated by the United States. The first was plainly in the interest of nations having a strong navy, but Mr. Marcy agreed to accept it with an amendment of the rules exempting the private property of individuals, except contraband, from seizure on the high sea by naval vessels in time of war. The amendment was not accepted by Great Britain, and our government declined to give its adhesion to the declarations.[1] Subsequently when the Civil War began and our commerce was threatened by rebel cruisers, our government proposed to give its unconditional adhesion to them,[2] but Great Britain and France declined, except on condition that the rules should not be applied during the war of the Rebellion.[3] Verily in diplomacy, as in the ordinary affairs of men, "circumstances alter cases."

During the recent war with Spain our government made a public announcement of its intention to observe the rules of Paris in the existing war,[4] and they

[1] For official correspondence, H. Ex. Doc. No. 1, 34th Cong. 3d Sess. pp. 31–44.

[2] 3 Wharton's Int. Dig. 273.

[3] Ib. 233.

[4] President's Proclamation, April 26, 1898.

were likewise observed by Spain. These rules may now be regarded as accepted by all the maritime nations, and we may look forward with reason to the adoption of the addition proposed by Secretary Marcy, which, it will be remembered, when more than a century ago it was advocated by Dr. Franklin, was derisively termed the "Philosopher's Dream."[1] It has again received executive approval in the annual message of President McKinley of 1898, in which he asks the indorsement of Congress and such legislation as will enable him to convoke a conference of the nations with a view to its universal acceptance.

The last presidential term before the Civil War was filled by James Buchanan, a man well equipped for dealing with international and diplomatic matters, but the absorbing character of the domestic questions which brought on that conflict greatly influenced his conduct even in foreign affairs, and barred the way to the realization of most of his exterior plans.

He chose as Secretary of State, Lewis Cass, of Michigan, who had served as minister to France, had been for many years a conspicuous figure in the Senate, and eight years before had been the unsuccessful Democratic candidate for President. Although a man prominent in his party, his selection was mainly dictated by friendship, as he was seventy-five years of age and naturally of a somewhat indolent temperament. President Buchanan records that he had virtually to be his own Secretary of State.[2]

Two matters which had received much attention

[1] See supra, chap. iii. p. 93.

[2] 2 Curtis's Buchanan, 399.

from the preceding administration continued prominent in this, viz., Cuba and the Nicaragua filibustering. The co-author of the "Ostend Manifesto" could hardly be expected as president to omit any opportunity to bring about the annexation of the "Pearl of the Antilles," and his minister to Spain was instructed to advance the project as far as possible. In his annual message of December, 1858, he urged upon Congress the importance of the acquisition, and asked that, following the precedent in the purchase of Louisiana and the Mexican additions, an appropriation be made to be used in the negotiations;[1] whereupon a bill was introduced in the Senate placing at the disposal of the President $30,000,000. This brought on a lengthy debate, in which the slavery and anti-slavery elements were arrayed against each other, and, while there was apparent a decided majority for the measure, the opposition was so strenuous it was not possible to secure action before the adjournment. The next elections gave the anti-slavery party a majority in the House, and made legislation on that subject impossible; but the appropriation would have been futile, as Spain refused even to receive a proposition for purchase at any price.

Walker, the filibuster, we have seen, had been once driven out of Nicaragua, but, not daunted by this discomfiture, he renewed his project from New Orleans. The state of affairs seemed to favor success. The development of our Pacific coast possessions made the isthmus transit of the greatest importance, and the

[1] 5 Richardson's Messages, 510, 642.

Americanization, as it was termed, of Central America was a favorite phrase with the President and his party. This high official even went so far as to write a letter to a Walker meeting in New York, commending his "heroic efforts" in behalf of Nicaragua. But when the latter's plans developed into a plain violation of the neutrality laws, it became necessary to instruct the federal officials to prevent the departure of his expedition. The sympathies of the officials and populace were, however, largely with Walker, and he was enabled to get away with his band of adventurers and land at Greytown in Nicaragua. But his conduct there was of such a flagrant character that the American naval officer of that station felt compelled to land a force, which arrested Walker, and brought him a prisoner to New Orleans. The affair was made the subject of a special message by President Buchanan,[1] who characterized the conduct of the naval officer as "a great error;" and it was severely criticised by the Southern expansionists. For a fourth time Walker was permitted to organize an expedition and sail for Central America. He landed on the coast of Honduras, where he and his force were captured, his followers sent back to the United States, and Walker's career was ended by his military execution.

The isthmus question was made more prominent by the neglect of the British government to observe the stipulations of the Clayton-Bulwer treaty, as interpreted by the United States, in the continuance of its protectorate over the Mosquito Indians on the eastern

[1] S. Ex. Doc. 13, 35th Cong. 1st Sess.; S. Ex. Doc. 63, same Sess.

coast of Nicaragua. Mr. Buchanan had sought an adjustment of this matter when minister in London, and as president he had the satisfaction of bringing it to a conclusion by the relinquishment of the British claim.[1]

A further advance in the removal of outstanding differences with Great Britain was made in the final surrender of all claim of right of search of American vessels. For many years that government had abstained from any claim of impressment of seamen from American vessels, the main cause of the War of 1812, and its contention at this time was limited to a visitation of vessels simply to ascertain whether they were engaged in the slave trade, which was unlawful under both domestic law and treaty. In 1842, when Mr. Cass was minister in France, he had protested vigorously against the Webster-Ashburton treaty because it did not provide against that practice,[2] and now as secretary of state he brought the whole power of the government into play to prevent it, and secured from Great Britain a formal surrender of any such claim.

It was heralded by the administration as a great diplomatic triumph, and it was a consistent result of our attitude from the organization of the government on the immunity of the vessel carrying the American flag; but our triumph would have been a more gratifying one if the cause which brought it about had been more worthy. Owing to the largely increased demand for slave labor in the Southern States and Cuba, a fresh incentive had been given to the universally pro-

[1] 5 Richardson's Messages, 442, 639.

[2] See supra, chap. viii. p. 288.

scribed traffic in African slaves, and the British government had increased its naval patrol in the waters about Cuba with a view to stopping the growing traffic. About this time a cargo of African negroes had been openly landed in Savannah, and every effort to enforce the laws against the master of the vessel had failed, owing to the sympathy of the people of Georgia. The British naval vessels claimed the right to visit suspected slavers to determine their character, and did exercise it against several American vessels in these waters, and this brought out the protest of Secretary Cass and his diplomatic triumph.[1]

The present century inherited from the Middle Ages a diplomatic controversy almost as strange as that settled by Decatur's guns with the Barbary pirates of the Mediterranean,[2] which, greatly owing to the stout resistance of the United States, came to an end in Buchanan's term. When this country assumed its place among the nations, it found the kingdom of Denmark examining all vessels and collecting dues from them and their cargoes passing to and from the Baltic Sea through the sounds or great belts connecting that sea with the ocean, and this practice had been acquiesced in by all the maritime nations for centuries. In the time of Secretary Clay as many as one hundred American vessels, engaged in the Baltic trade, were paying this tribute, but all that he and the succeeding secre-

[1] 5 Richardson's Messages, 507, 640; S. Ex. Doc. 59, 35th Cong. 1st Sess.; H. Ex. Doc. 2, 35th Cong. 2d Sess.; S. Ex. Doc. 2, 36th Cong. 1st Sess. pp. 51–90.

[2] See supra, chap. vi. p. 205.

taries could accomplish was a reduction of the dues. In 1843, Secretary Upshur, in a communication to the President, said: "Denmark continues to this day, without any legal title, to levy exceedingly strange duties on all goods passing the sound. Denmark cannot lay claim to these duties upon any principle either of nature or the law of nations, nor for any other reason than that of antiquated custom. . . . For the United States the time has come when they can appropriately take decisive steps to free their Baltic trade from this pressure."

But a change of secretaries, and the interest and excitement incident to the annexation of Texas and the war with Mexico, postponed any decisive action. During the presidency of Pierce notice was given of the termination of the treaty which regulated these dues, and its action was seconded by that of various European governments, by whom a conference was called on the subject. The United States declined to take part in the conference, on the ground that it was unwilling to recognize any right belonging to Denmark to collect this tribute, and the only payment we could make was by way of compensation for any expenditures made by Denmark for the improvement and safety of commerce. The conference agreed upon the capitalization of the dues in one aggregate payment, which was carried out *pro rata* by the European nations. The share proportioned to the United States was fixed at $1,050,000, which our government refused to pay, but it finally consented, in 1857, to the payment of $393,000, in consideration of an agreement on the

part of Denmark to maintain lights, buoys, and pilotage in the sounds.[1] And thus, in great measure through the persistency of the United States, another mediæval burden upon commerce was forever removed.

During this period the affairs of Mexico had fallen into a wretched condition of disorder. The Liberal party was struggling against the Clericals to secure a government free from ecclesiastical domination, and the country was distracted throughout its extent by fratricidal war. As a result foreigners of all nationalities suffered in person and property, and international claims were accumulating on that account. President Buchanan sent an able representative in the person of Robert M. McLane to investigate the contest, with authority in his discretion to recognize the Liberal government, at the head of which was Juarez. The latter had been expelled from the capital, and was found by Mr. McLane at Vera Cruz, where he established diplomatic relations with him, and soon negotiated a treaty and convention securing transit privileges across the isthmus of Tehuantepec, and an advantageous trade arrangement, in return for which the United States was to pay the Liberal government $4,000,000, with half of which American claims were to be satisfied, the other half to be used for the restoration of the Liberal government to power. It was virtually an alliance with one of the parties contending for supremacy in Mexico. While these negotiations were in progress, the President sent a message to Congress, calling attention to

[1] For official correspondence, H. Ex. Doc. 108, 33d Cong. 1st Sess.; S. Ex. Doc. 28, 35th Cong. 1st Sess.

the condition of the country, which he described as "a wreck upon the ocean, drifting about as she is impelled by different factions," and he asked for authority to employ a military force to enter Mexico for the purpose of enforcing our claims and respect for our government.[1] In making this recommendation, he said if such action was not taken "it would not be surprising should some other nation undertake the task, and thus force us to interfere at last, under circumstances of increased difficulty, for the maintenance of our established policy."

But Mr. Buchanan's spirit of territorial acquisition was too well known to secure either for the treaties or his message any favorable action. The presidential contest of 1860 was then on, the great Civil War was impending, and Juarez and his republican adherents in Mexico had to content themselves with our moral support till the deadly struggle against slavery was terminated, and we were once more free to vindicate the Monroe Doctrine.

[1] 5 Richardson's Messages, 538, 563, 644.

CHAPTER X

DURING THE CIVIL WAR

At no time since the foundation of the government have our diplomatic relations been of such an intense and critical nature as during the Civil War. President Lincoln was fortunate in his selection of a Secretary of State in the person of William H. Seward, although his choice had been controlled mainly by considerations of domestic politics, the secretary having been Mr. Lincoln's chief competitor before the nominating convention. Probably no man in the country was better fitted for the arduous and trying duties of his important post. Besides an honorable standing in his profession of the law, he had filled the place of governor of his State (New York), and senator, had taken an active part in building up the anti-slavery sentiment which brought his party into power and occasioned the war; and, although never in the diplomatic service, he had traveled abroad and served on the Senate Committee on Foreign Relations. His whole soul was absorbed in the terrible contest upon which his party and the country had entered, and his hopeful temperament stood him in good stead in the dark days of the struggle when the sympathy of the nations of the world appeared to be turned against us.

The contest between the States of the North and the

South seemed at times evenly balanced and the outcome doubtful, but the result was never in reality uncertain if it should continue a domestic combat. The great danger for the Union was in the unfriendly conduct of European nations and especially of Great Britain, and our diplomacy was steadily taxed to the utmost to prevent intervention. From the beginning the sympathy of the government and the ruling and upper classes of England was plainly on the side of the Southern Confederacy. It seemed an inconsistent position for the nation which had led the van in the anti-slavery movement, but there were other and more powerful motives which influenced its conduct. From the date of our independence it had grudgingly yielded our just claims. The marvelous development of the American republic had been regarded with ill-disguised disfavor by the aristocracy. The American spirit was held to be presumptuous and boastful in an offensive degree. The policy of free trade upon which Great Britain had entered, it was thought, would be best subserved by the triumph of the Confederacy; and the breaking up of the great democracy was a welcome anticipation.

There existed a widespread conviction in Europe that a disruption of the United States was inevitable. This conviction was not unnatural in view of the sentiments expressed by the President then in office and by many of the public men in all sections of our country. President Buchanan, in his annual message of December 4, 1860,[1] had announced in evasive language that he was resolved to execute the laws and defend and

[1] 5 Richardson's Messages, 626.

protect the property of the United States, and that while the right of secession did not exist, there was no power in the federal government to coerce a State. It was a confession before the world of the impotence of the general government in the presence of the greatest danger that had ever threatened the existence of the Union. As epitomized by Mr. Seward, then a senator, the message "shows conclusively that it is the duty of the President to execute the laws — unless somebody opposes him; and that no State has a right to go out of the Union — unless it wants to."[1] This message was the only official utterance to guide the conduct of the American diplomatic representatives in Europe through the dreary winter of 1860–61, and during that period a number of these representatives were busy in behalf of the rapidly forming Southern Confederacy, and at least one of them was using his official influence to procure arms for that cause.[2]

It was only four days before the inauguration of President Lincoln that the new Secretary of State, Mr. Black,[3] issued a circular dispatch to our representatives abroad instructing them to exert their influence to prevent any recognition of the seceded States.[4] This was followed within ten days by another circular dispatch from Secretary Seward, announcing the advent of the new administration, inclosing a copy of President Lincoln's inaugural address, and instructing our represent-

[1] 2 Life of Seward, by F. W. Seward, 480.

[2] 1 Moore's Rebellion Record; N. Y. Times, Aug. 13, 1861.

[3] Jeremiah S. Black succeeded Lewis Cass as Secretary of State, Dec. 17, 1860.

[4] Diplomatic Correspondence, 1861, p. 31.

atives in Europe "to exercise the greatest possible diligence and fidelity to counteract and prevent the designs of those who would invoke foreign intervention to embarrass or overthrow the republic."[1] As rapidly as possible the missions in Europe were filled with new representatives who possessed the confidence of the administration and were inspired by loyalty to the government; but an irreparable injury had already been done the cause of the Union by its unfaithful or indifferent ministers.

Mr. George M. Dallas, the Buchanan minister in London (whose "loyalty and fidelity, too rare in these times," was commended by Mr. Seward), as soon as the latter's circular was received, sought an interview with Lord John Russell, the British Secretary for Foreign Affairs, to lay its contents before him and learn the views and intentions of the British government. In this interview he received encouraging assurances from Lord John Russell, but at their next conference the minister was informed by his lordship that the commissioners from the Southern Confederacy had arrived in London, and that it was his intention to receive them unofficially.[2]

The dispatch of Mr. Dallas conveying this intelligence awakened in Secretary Seward a feeling of intense indignation, and in this state of mind he wrote an instruction to the newly appointed minister to Great Britain, Charles Francis Adams, which has become celebrated both for its extraordinary tone and for the transformation it underwent at the hands of the President.

[1] Diplomatic Correspondence 1861, p. 32.

[2] Ib. 81, 83.

It was intemperate and menacing in the extreme, threatening Great Britain with war if she should recognize the Confederacy; instructing Mr. Adams to break off diplomatic relations if even unofficial intercourse was established with the rebel commissioners; and intimating that the United States would not hesitate to enter into hostilities with one, two, or even more of the European nations to maintain its dignity and integrity.

As was his custom, Mr. Seward read the draft of the dispatch to President Lincoln before preparing it for transmission. Lincoln at once detected its extraordinary and dangerous character, and quietly asked his secretary to leave it with him for examination. When it was returned to the State Department, it had undergone an important transformation. The President had struck out a number of the most irritating and offensive sentences and phrases; with his own pen he had softened and modified others, and had changed its entire character. As originally written, Mr. Adams was directed to read it to the British Secretary for Foreign Affairs, and leave with him a copy. Under Lincoln's modification it became only an expression of the views of the government for the confidential guidance of the American minister. The original draft, with the President's changes and annotations, is reproduced in the life of Lincoln, by his private secretaries, and furnishes a most interesting study.[1] In its final official form it appears in the Diplomatic Correspondence as No. 10, May 21, 1861.[2]

The delivery of the dispatch in its original text at

[1] 4 Nicolay and Hay's Lincoln, 270. [2] Dip. Cor. 1861, p. 87.

the British Foreign Office would undoubtedly have occasioned a suspension of diplomatic intercourse, and in all probability would have led to hostilities by Great Britain and France jointly against the United States. For such a suicidal policy some other explanation is required than that which upon its face occasioned the dispatch, — the expected unofficial reception by Lord John Russell of the Confederate commissioners. Lincoln's biographers, many years after the event, made public a paper which throws much light on the May 21st dispatch. On April 1, 1861, Mr. Seward submitted to the President a paper more extraordinary even than the dispatch, entitled by him, "Some thoughts for the President's consideration."[1] It was divided into two parts, one relating to domestic, and the other to foreign matters. He would change the question agitating the country from slavery to union or disunion. To do this, in foreign matters, he would create a foreign war, and to bring this about would address specific demands against Spain and France, and if these were not conceded Congress should be convoked and war declared against them. In this way a spirit for the maintenance of the nation's existence would be awakened throughout the South as well as the North, which would silence the slavery agitation. As these radical measures would involve something of the qualities of a dictatorship, he coolly offers the President his services in that capacity, if the latter will transfer the executive functions to him.

It did not require the practical, matter-of-fact Lincoln

[1] 3 Nicolay and Hay's Lincoln, 445.

much study to see the utterly visionary and dangerous character of this paper, and he sent Seward on the same day an answer which must have convinced him that a master mind was in control of the administration.[1] In this reply he reviews some of the points of his secretary's paper, and in reply to the closing proposition, that he abdicate his functions, he adds as to the measures recommended: "If this must be done, I must do it." This ended the discussion. The secretary's "Thoughts" and the President's reply were privately filed away, and it does not appear that any other member of the Cabinet had knowledge of them.

The paper of April 1 enables us to better understand the dispatch to Mr. Adams of May 21. Mr. Seward was laboring under the hallucination that a foreign war was a remedy for disunion, and he saw in the unofficial reception of the Confederate commissioners the desired opportunity of forcing Great Britain into a conflict. Further indications exist that such intent was in his mind. Russell, the war correspondent of the London Times, reported an interview with Mr. Seward as late as July 4, 1861, in which the latter spoke freely of the probability of a European war, and he said, "a contest between Great Britain and the United States would wrap the world in fire, and at the end it would not be the United States which would have to lament the result of the conflict."[2] Cobden wrote Senator Sumner, in 1861: "There is an impression, I know, in high quarters here that Mr. Seward wishes to quarrel with this country."[3]

[1] Ib. 448. [2] Russell's Diary, 381.
[3] Morley's Cobden, 573; 4 Pierce's Sumner, 60.

This impression in England had its origin in a story told by the Duke of Newcastle, a member of the British cabinet. The duke accompanied the Prince of Wales on his visit to the United States in 1860, and he relates that at a dinner party in honor of the prince at Albany, New York, Mr. Seward told him that in the next administration he should probably occupy high office, and that "it would become his duty to insult England, and that he should insult her accordingly."[1] Mr. Seward, when his attention was called to it, pronounced the story a silly falsehood.[2] Whatever foundation there was for the statement must have been some after-dinner pleasantry on the part of Mr. Seward, possibly not sufficiently refined to be appreciated by his grace. But its damaging effect upon the American secretary's reputation and influence was not only recognized by such friends as Cobden and Bright, but by Mr. Adams and Thurlow Weed, then in London.

Mr. Seward, in common with many other loyal and experienced public men of the North, was bewildered by the extent of the secession movement. He tenaciously clung to two delusions: first, that there would be no serious or protracted civil war; and, second, that even after the States had seceded, the Union men were in a majority in those States. He became impressed that a foreign war would afford an opportunity for this Union sentiment to assert itself and force aside the secession movement. He was not cured of his error till after the first great disaster of Bull Run. He then

[1] London Times, Dec. 14, 1861; 3 Life of Seward, 29, 30.
[2] Ib. 37.

saw that the questions at issue between the North and the South could only be settled by the arbitrament of war; and, once convinced, he thenceforward lent all the resources of his mind to so shape the policy of the government as to prevent complications or conflict with foreign nations.

In the interview which Mr. Dallas had with Lord John Russell, already noticed, the latter referred to the question of the recognition of the Southern Confederacy, the rumored intention of the United States to establish a blockade of the Southern ports, and other matters which were pressing upon the attention of the British cabinet; but he gave Mr. Dallas the assurance that as the new minister, Mr. Adams, was soon expected to arrive, his coming "would doubtless be regarded as the appropriate and natural occasion for finally discussing and determining" these questions.[1] But in strange contrast with this assurance, within five days his lordship announced in Parliament that it had been determined to concede belligerent rights to the Confederacy, and in his remarks he referred to the United States as "the *late* Union." On the 13th of May, the day of the arrival of Mr. Adams in Liverpool, the queen's proclamation of neutrality, conceding belligerent rights to the insurgent government, was published officially.[2]

This first public act of the British government was received with surprise and resentment in the United States, as it was regarded as a hasty and unfriendly step taken by a power to which we looked for sympathy and

[1] Dip. Cor. 1861, pp. 82–84.

[2] For copy of proclamation, 1 Moore's Reb. Record, 245.

favor. Mr. Seward characterized it as "remarkable" in the circumstances under which it was issued, and for several succeeding months sought from the British government a retraction of what he termed "its original error in granting to the rebels the rights of a belligerent."[1] Mr. Adams, in his first interview with Lord John Russell, expressed his great regret at its issuance, and still more at the language used by her Majesty's ministers in both Houses of Parliament respecting it. But after hearing Russell's explanations he gave his assent to his view, but felt constrained to add that it was "a little more rapid than was absolutely called for by the occasion."[2]

The conduct of Great Britain in recognizing the Confederates as belligerents was followed in quick succession by France, Spain, and the other governments of Europe, and this action on their part greatly tended to prolong the contest. Mr. Motley, *en route* to his post as minister to Austria, wrote that had the queen's proclamation been delayed a few weeks, or even a few days, it would never have been issued.[3] But I think he was mistaken. The British government could not have been turned from its purpose by the representations of Mr. Adams, and the blockade of the Southern ports and the early military events justified its course. The judgment of American writers on international law, and the Supreme Court of the United States, confirm the propriety of the proclamation.[4]

[1] Dip. Cor. 1862, p. 54. [2] Dip. Cor. 1861, pp. 92, 97, 100.

[3] 1 Motley's Letters, 380.

[4] Dana's Wheaton, sect. 23, note; Wolsey's International Law, sect.

Our ministers to Great Britain and France were early instructed to secure the assent of those governments for the adhesion of the United States to the four rules of the Declaration of Paris of 1856, without the condition or amendment before proposed by Secretary Marcy; but these governments, acting in concert, declined to agree to this unless it should be held to be "prospective" and to have no "bearing, direct or indirect, on the internal difficulties prevailing in the United States."[1] In other words, they would not deprive the Confederacy of the benefit of privateering.

It afterwards became known that the British and French governments jointly proposed to the Confederate government, through the secret agency of the British consul at Charleston, the acceptance of the second, third, and fourth rules, omitting the first relating to privateering, which was readily approved by the Confederate Congress. The conduct of the consul, Mr. Bunch, was so objectionable that his exequatur was withdrawn by the President, and a British vessel was sent to Charleston to convey him away.[2]

The next important event which, in the progress of the war, put to the test Mr. Seward's diplomatic knowledge and skill, was the Trent affair. Two commissioners of the Confederacy, Mason and Slidell, accred-

180. The Supreme Court, at the December term, 1862, decided that the President's proclamation of blockade of April 19, 1861, was "itself official and conclusive evidence to the court that a state of war existed." The queen's proclamation was not issued till May 13, 1861. 2 Black Sup. Ct. Rep. 665.

[1] For negotiations, Dip. Cor. 1861, pp. 34–157; 1 Papers relating to the Treaty of Washington, pp. 31–38.

[2] Dip. Cor. 1862, p. 3; 4 Nicolay and Hay's Lincoln, 279.

ited to Great Britain and France, eluded the blockade at Charleston, reached Havana, and there took passage in the British mail steamer Trent, *en route* for England. The day after leaving Havana, November 8, 1861, the steamer was stopped on the high sea by Captain Wilkes, commanding the United States naval vessel San Jacinto, and the Confederate commissioners and their secretaries taken off by force. The Trent was allowed to pursue her voyage, and the commissioners were carried to Boston and held as prisoners.[1]

The news of Captain Wilkes's act was received by the people of the North with the greatest enthusiasm, and everywhere he was hailed as a hero. The press without dissent approved his conduct. The Secretary of the Navy, on receiving his report, congratulated him on his "great public service," and assured him of "the emphatic approval of this department."[2] The Secretary of War was also outspoken in his praise. The lower House of Congress, which convened December 1, passed a vote of thanks to the captain for his "brave, adroit, and patriotic conduct."[3]

When the news reached England the excitement was equally as great, but of an entirely different character. The act of Captain Wilkes was denounced as a national affront and outrage, and created great indignation throughout the kingdom. The demand was for the instant release of the commissioners and an apology, or war. The government gave orders for the navy, the

[1] For Captain Wilkes's report, 3 Moore's Reb. Rec. 321.

[2] Secretary Welles in Galaxy, May, 1873, p. 649.

[3] Cong. Globe, Dec. 2, 1861, p. 5.

arsenals, and dockyards to be placed on a war footing; and troops were hurried off to Halifax, and as the first of the transports sailed the band played "Dixie," to the delight of the people. The British cabinet, heartily sympathizing with the public sentiment, resolved to present its immediate demand upon the United States in the most imperative terms, and its decision was submitted to the queen for her approval. The prince-consort, Albert, was then sick unto death, but he was able to counsel the queen, and his advice was in such a friendly temper towards the United States that she gave direction to the ministry to materially soften the tone and spirit of the demand;[1] and when it was delivered by the British minister in Washington to Secretary Seward, it enabled our government to comply with it without any loss of national self-respect.

It is a happy coincidence that in two important diplomatic crises of the Civil War, the President and the Queen interposed with their ministers to correct their indiscretion and save the two nations from breaking off their friendly relations.

Six weeks passed between the detention and search of the Trent and the written demand of the British minister for the release of the commissioners and their delivery to the British authorities, and in this time the Secretary of State had been afforded an opportunity to study the precedents, and the President and Cabinet to consider the consequences of Captain Wilkes's act. It became apparent that he could not, without reversing the attitude of the government from its origin, main-

[1] 5 Martin's Life of the Prince Consort, 420–22.

tain the legality and propriety of that act. We fought the War of 1812 mainly upon the contention that American vessels were free from search and impressment on the high sea, and we had consistently adhered to that position. It did not matter that Great Britain should reverse its past policy and adopt our view of the question.

Mr. Seward's note in reply to Lord Lyons's demand was an exhaustive and temperate review of the subject, and its conclusion was that Captain Wilkes would have been justified in international law in seizing the Trent and bringing her into an American port, for carrying contraband of war, and have her status determined in a prize court; but that he had no right to stop the vessel, take from her by force persons under the protection of the British flag, and allow the vessel to proceed on her voyage. When the note was submitted to the President and Cabinet it was at once accepted as a correct statement of the law and our obligations under it, and the British minister was notified that the commissioners would be returned to the British authorities; and they were accordingly delivered to the commander of a naval vessel outside of Boston harbor, and the exciting incident was closed.[1] It is highly creditable to the good sense of the American people that, notwithstanding the high pitch of enthusiasm to which they had been brought by Captain Wilkes's bold act, they quietly accepted the conclusion of their government as a wise solution of the matter.

[1] For correspondence, S. Ex. Doc. No. 8, 37th Cong. 2d Sess. vol. 4; Dip. Cor. 1862, pp. 245, 248.

The biographers of Lincoln and Seward have respectively claimed that each of them was the only person in the government who, from the beginning, was satisfied of the illegality of Wilkes's act, but it is most probable that each of them, as well as the other members of the Cabinet, at first participated in the general sentiment of the country that it was justifiable.[1] Mr. Chase, Secretary of the Treasury, doubtless expressed the general sentiment when he wrote in his diary: "It is gall and wormwood to me . . . but I am consoled by the reflection that . . . the surrender under existing circumstances is but simply doing right — simply proving faithful to our own ideas and traditions under strong temptation to violate them."[2]

A peculiar incident attended the dispatch of British troops to Canada consequent on the Trent excitement, already noticed. One of the belated vessels bearing a detachment, on arriving found the St. Lawrence River closed by ice, and was compelled to put in at the harbor of Portland, Maine. In order to reach their destination, the British minister had to apply, under international practice, to our government for permission to cross over American territory to Canada. Secretary Seward granted the permission with prompt courtesy, and the troops sent with hostile intent proceeded by rail through the United States.[3]

The federal government and people had recovered from the disappointment over the recognition of bel-

[1] Welles's Lincoln and Seward, 184; 5 Nicolay and Hay's Lincoln, 26, 32.

[2] Warden's Life of Chase, 394.

[3] 3 Life of Seward, 35.

ligerent rights extended the Confederacy by the European nations, and had safely passed the threatened collision with Great Britain on account of the Trent affair; but for more than two years the danger of European intervention was a constant menace. Of all these nations the only stanch friend of the Union cause was Russia, all the others being openly unfriendly or indifferent to the result.[1] It was Russia that gave us the first notice, early in 1861, of the efforts of the French Emperor to effect a coalition against us of the then three great powers.[2] She not only declined the coalition, but again, in 1862, when the formal proposition for European intervention was proposed, it also was declined.[3] In the darkest days of the struggle, her fleet appeared in American ports, as an earnest of her friendship.[4]

Failing in support from Russia, the French Emperor turned with better success to Great Britain. He had fully committed himself to his scheme of a Latin empire in Mexico, and he well knew it was impossible of realization without a dismembered Union. To execute his hostile designs against the United States, the cooperation or neutrality of England was a necessity, and he early secured a pledge of joint action. In the interview which Mr. Dallas had with the British Secretary for Foreign Affairs, May 2, 1861, eleven days before the proclamation of belligerency was issued, Mr. Dallas was informed "that there existed an understanding between this government [Great Britain] and that of France

[1] 2 Motley's Letters, 119; Dip. Cor. 1861, p. 308; 1862, p. 447, 463; 1863, p. 763.

[2] Ib. 1861, p. 225.

[3] Ib. 1863, p. 767.

[4] 3 Life of Seward, 202.

which would lead both to take the same course as to recognition, whatever course that might be."[1] As Russia had declined the coalition, upon the course pursued by Great Britain hung the fate of the American Union. Hence the importance of its conduct leads me to a brief review of the situation in that kingdom.

When the Civil War broke out a coalition Liberal Ministry was in power, with Lord Palmerston at its head. He was in his seventy-seventh year, and had acted an important part in English government, as one of its most able statesmen. An insight into his character and the state of his mind on the American question may be had from a declaration made to August Belmont, of New York, agent of the Rothschilds. After an hour's interview, in which Mr. Belmont had sought to lay before him in a favorable light the claims of the Union to his support, the Prime Minister summed up the attitude of his government in this remark: "We do not like slavery, but we want cotton, and we dislike very much your Morrill tariff."[2] Lord John Russell, the

[1] Dip. Cor. 1861, p. 84.

[2] Belmont's Letters and Speeches, July 30, 1861.

Punch expressed the prevailing sentiment in the following lines:—

"Though with the North we sympathize,
It must not be forgotten
That with the South we 've stronger ties,
Which are composed of cotton,
Whereof our imports mount unto
A sum of many figures;
And where would be our calico
Without the toil of niggers.

"The South enslaves those fellow-men,
Whom we love all so dearly;
The North keeps commerce bound again,
Which touches us more nearly."

Secretary for Foreign Affairs, from his training and temperament should naturally have been inclined to the North, but he was a thorough politician, and during the entire contest was governed by expediency rather than principle. Mr. Gladstone was Chancellor of the Exchequer. The course of no public man in England was a greater disappointment in America. Early in the war, in a public speech, he declared that "Jefferson Davis had . . . made a nation. . . . We may anticipate with certainty the success of the Southern States."[1] After the war was over and the Union restored, he wrote: "I confess that I was wrong. . . . Yet the motive was not bad;"[2] but during the trying times when intervention was imminent he was understood to be on the side of the South. With the three first men of the cabinet not friendly to the Union, it may well be inferred that a decided majority of the ministry were of like sentiments. There was, however, a minority strong in its influence, if deficient in numbers, who were steadily in favor of the Union cause, among whom were the Duke of Argyll, Sir George Lewis, and Mr. Milner Gibson.

Of the House of Lords, Mr. Adams wrote Mr. Seward, "not less than four fifths of whom may be fairly regarded as no well-wishers of anything American."[3] The same month, Mr. Mason, the Confederate commissioner, wrote Benjamin, the secretary at Richmond: "It is perfectly understood in the House of Commons that the war professedly waged to restore the Union is

[1] London Times, Oct. 8, 9, 1862. [2] Smith's Gladstone, 297.
[3] Dip. Cor. 1863, p. 157.

hopeless, and the sympathies of four fifths of its members are with the South."[1] Among these overwhelming majorities were found Lord Derby and Mr. Disraeli, the Conservative leaders, Lord Brougham, Mr. Roebuck, and a considerable Radical following; and an American visitor in London records: "I regret to say that Lord Robert Cecil, now the Marquis of Salisbury, was very prominent among the friends of the Confederates."[2]

The supporters of the North in Parliament were few in numbers, but they were men of strong convictions, and by their zeal and devotion to the cause of freedom and democratic institutions they greatly multiplied their influence, and in the end triumphed over the immense majority opposed to them. The most distinguished of these was John Bright, but not less efficient was William E. Forster, and, the more influential at that day, Richard Cobden. To these were added in the important field of literature such names as John Stuart Mill, Thomas Hughes, Goldwin Smith, and the poet Tennyson. But on the side of the South were arrayed Carlyle, Dickens, and the historian Grote. Financial and business circles and "society" were very largely in sympathy with the Confederacy; but, on the other hand, a considerable part of the middle and especially of the laboring classes were friends of the Union.

An important factor entering into the American question in England was the cotton supply, which was drawn almost entirely from the Southern States. With the blockade of their ports and the policy of the Con-

[1] MS. Confed. Dip. Cor. [2] Yarnall's Reminiscences, 256.

federacy to restrain its exportation, British manufacturers were suddenly threatened with a cotton famine, destined to paralyze the immense industry and throw hundreds of thousands of operatives out of employment. The Confederate leaders boasted that within six months the cotton famine would compel the forcible raising of the blockade of the Southern ports and precipitate a conflict between Great Britain and the United States. Goldwin Smith described in strong language "the awful peril, not only commercial but social, with which the cotton famine threatened us, and the thrill of alarm and horror which upon the dawning of that peril ran through the whole land."[1] The sentiment quoted from Gladstone, that the establishment of the Confederacy as a nation was an accomplished fact, and that the blockade of the Southern ports should be broken and the cotton trade reëstablished, was accepted by the great body of the English people. John Stuart Mill refers to "the rush of nearly the whole upper and middle classes, even those who passed for Liberals, into a furious pro-Southern partisanship; the working classes and some of the literary and scientific men being almost the sole exceptions to the general frenzy."[2]

The pinch came in the summer and autumn of 1862. The supply of cotton largely diminished. In May the price had advanced to twenty-six cents per pound, and by September it had reached sixty cents. Many mills were stopped, and all the others were running on short time. Want and starvation prevailed throughout all

[1] Macmillan's Magazine, Dec. 1865.

[2] Mill's Autobiography, 268.

the manufacturing districts. It was estimated that a half a million of working people were dependent upon public charity. The cry of distress reached to all parts of the British Empire, and from Canada, India, and Australia came relief contributions. At a hint from Bright that a little aid from America would have a favorable effect, three ships were dispatched from New York laden with provisions. It is estimated that twelve millions of dollars were distributed among the cotton workmen to avert starvation. Relief began to come in 1863 from the increased production of cotton in other countries; but we must confess it was natural that the British public cried out for the end of a war which brought them so much distress and so disorganized their trade.

There was, however, a noble and gratifying feature of this famine. The working classes, the operatives, who were most affected by the Civil War in America, were the best friends of the Union even during this trying time. They understood, what the ruling classes refused to believe, that our Civil War was to decide the fate of slavery. They also understood, what the aristocracy clearly saw, that the fate of democratic institutions was involved in the deadly contest. Their great advocate, John Bright, at an immense meeting in London of the trades unions, in March, 1863, called to send a message of sympathy to Abraham Lincoln, voiced these sentiments: "Privilege has shuddered at what might happen to old Europe if this grand experiment [of democracy in America] should succeed. But you, the workman, — you striving after a better time, — you

struggling upwards towards the light with slow and painful steps, — you have no cause to look with jealousy upon a country, which, menaced by the great nations of the globe, is that one where labor has met with the highest honor, and where it has reaped its greatest reward. . . . Impartial history will tell that, when your statesmen were hostile, when many of your rich men were corrupt, when your press was mainly written to betray, the fate of a continent and its vast population being in peril, you clung to freedom with an unfaltering trust that God in his infinite mercy will yet make it the heritage of all his children."[1]

The foregoing review shows that the prevailing sentiment in Great Britain was friendly to the Southern cause. It is also plain that from the beginning the British government was prepared to recognize the Confederacy, whenever it could assure itself that its relations to the American continent would not thereby be more seriously embarrassed. With a knowledge of the resolution of the British and French governments to act in concert, and after the recognition by them of belligerent rights in the insurgents, Secretary Seward realized that the greatest danger which threatened the Union was from this unfriendly coalition, and he bent

[1] 1 Bright's Speeches, 248, 253. For details of cotton famine, Charles Francis Adams, by his son, C. F. A., chap. 14; Dip. Cor. 1862, pp. 118, 122, 189.

A great change has occurred since our Civil War in the influence of the working classes of Great Britain. In the general election preceding the war the votes cast amounted to 370,000. In the general election of 1895 the number cast was 4,200,000. In 1863 about one person in twenty-three of the population had a vote; and in 1895 about one in six.

all his energies to frustrate its designs. As soon as he received notice of this intended concert, he notified our ministers at the European capitals that he would not recognize any combination or understanding of the powers having relation to our domestic contest, and that he should insist upon dealing with each government separately.[1]

He soon had occasion to put this resolution into practice. On April 15, 1861, the French and British ministers came together to the department to make a joint representation on some subject connected with the war. It afterwards developed that their purpose was to offer their mediation to bring about peace. An interesting account of this event is given by Assistant Secretary F. W. Seward, which he justly characterizes as more influential on the fortunes of the Union than even an important battle.[2] As the Secretary of State was sitting at his table reading dispatches, a messenger announced the arrival of the British and French ministers, and that they jointly desired to see him, an unusual diplomatic proceeding. He directed them to be shown into the room of the assistant secretary, where he found them seated together. Smiling and shaking his head he said: "No, no, no! This will never do. I cannot see you in that way." The ministers rose to greet him. "True," said the one, "it is unusual, but we are obeying our instructions." "At least," said the other, "you will allow us to state the object of our visit?" "No," said Mr. Seward, "we must start right about it." "If you refuse to see us together," — began

[1] Dip. Cor. 1861, p. 225. [2] 2 Life of Seward, 580–582.

the French minister, with a courteous smile and shrug. "Certainly I do refuse to see you together, though I will see either of you separately with pleasure, here or elsewhere." So the interviews were held severally, not jointly, and the papers they were instructed to jointly present were handed to him for his examination. A brief inspection enabled him to say courteously, but decidedly, that he declined to hear them read or to officially receive them.

Writing to the United States ministers in London and Paris, he said: "We shall insist in this case, as in all others, on dealing with each of these powers alone, and their agreement to act together will not at all affect the course we shall pursue. . . . This government is sensible of the importance of the step it takes in declining to receive the communication in question."[1]

The courteous but positive treatment by Mr. Seward of the two envoys put an end to further joint action on the part of the British and French representatives in Washington, but the efforts for concerted intervention did not cease in London and Paris. Russell, the British Secretary for Foreign Affairs, in a public speech delivered in October, 1861, doubtless expressed the views of the ministry, when he said the war in America was not about slavery, but the two parties were contending, "the one for empire and the other for independence;" and he announced that the separation of the two sections was the only logical and permanent settlement of the controversy.[2] No positive step was

[1] Dip. Cor. 1861 (to Adams), p. 106; (to Dayton), p. 224.

[2] London Times, Oct. 16, 1861. The almost universal sentiment of

taken, however, until a year later, when the cotton famine was at its worst. On September 14, 1862, when the news of Lee's invasion of Maryland and the imminent fall of the federal capital was received, Palmerston wrote Russell, asking if the time had not arrived for England and France to "address the contending parties and recommend an arrangement upon the basis of separation." Russell replied: "I agree with you that the time has come for offering mediation to the United States, with a view to the recognition of the independence of the Confederates. I agree, further, that, in case of failure, we ought ourselves to recognize the Southern States as an independent state."[1] Arrangements were made for a meeting of the cabinet, with a view to proposing to France and other powers a joint intervention.

But two important events occurred to modify the views of the Prime Minister and his Secretary for Foreign Affairs. While Russell was writing his letter just cited the battle of Antietam was being fought, and soon thereafter news came of the retreat of Lee's army back into Virginia. Mr. Adams's vigilant eye had detected that the plot for intervention was rapidly ripening, and he wrote to Mr. Seward for instructions

the English people at that time was that the Union was permanently divided. Cobden did not believe the North and the South could "ever lie in the same bed again." Morley's Cobden, Am. ed. 572. Darwin, who was friendly to the North, wrote Professor Gray: "How curious it is that you seem to think that you can conquer the South. I never meet a soul, even those who would wish it, who think it possible." 2 Life and Letters, 174.

[1] 2 Walpole's Life of Russell, 349, 350.

as to the course he should pursue in case it was attempted to be carried into effect. The reply was distinct and emphatic. Our minister in London was "forbidden to debate, to hear, or in any way receive, entertain, or transmit any communication" relating to mediation or intervention in American affairs; and in case of recognition of the insurgents, he was instructed to immediately break off relations.[1]

These instructions could not be made known to the British government until he had some notice of action on its part; but Mr. Adams felt that the situation was, as he expressed it, "the very crisis of our fate," and that it was his duty in some way to impress upon the ministry the grave consequences which would result from its contemplated action. He accordingly made known in confidence to Mr. William E. Forster, a prudent and influential member of Parliament, an ardent friend of the United States, and on good terms with the ministry, the substance of Secretary Seward's instructions. Adams never communicated them to the British government, but there can be no doubt that it became aware of their purport.[2] The proposed cabinet meeting was never held, and the Prime Minister decided it best to do nothing further to add to the resentment of the United States.

Meanwhile the Confederate commissioners had been active in their efforts at the French court, and Louis

[1] Seward to Adams, Aug. 2, 1862, in Life of Adams, by his son, 285. See, also, circular instructions to American ministers in Europe, Dip. Cor. 1862, p. 176.

[2] 4 Rhodes's U. S. 343.

Napoleon had lent a willing ear to their schemes.[1] On the 30th of October, 1862, his Minister of Foreign Affairs addressed a proposition to the Russian and British governments that the three powers unite in a formal mediation in the American war, asking for a cessation of all hostilities, with a view to some arrangement of the differences, although one week afterwards he denied to the American minister, Mr. Dayton, that any such step had been taken.[2] The Russian government, following its uniform policy, discouraged the movement and declined to join in it.[3] The subject, as we have seen, had already been fully considered by the British ministry during the previous two months and decided adversely to mediation, and it also declined to unite with France in the proposed joint action.

Napoleon was not to be diverted, however, from his purpose, and he instructed his minister in Washington to present the offer of mediation, in much the same terms as proposed to the Russian and British governments. This was done by a note through M. Mercier, on February 3, 1863, in the darkest period of the war, between the disasters of Fredericksburg and Chancellorsville. Secretary Seward's reply, sent within three days, was a dignified but firm declination of the offer. At considerable length he reviewed the situation of affairs between the contending parties, and their relation to and effect upon European nations, and it constitutes one of the most notable and able of Mr.

[1] See extracts from Confederate Archives, quoted in 6 Nicolay and Hay's Lincoln, 76 et seq.

[2] Dip. Cor. 1862, p. 404.

[3] Ib. 1863, p. 769.

Seward's state papers.[1] The correspondence was communicated to Congress, and a concurrent resolution was passed by that body of a very comprehensive character, as expressive of the sentiments of the people of the United States respecting the war, and the attitude of foreign nations to it, and it announced that intervention was not desired, and would not be entertained.[2] This closed the efforts at combined action by the European powers, but the troubles growing out of our foreign relations were by no means at an end.

England was the scene of other events during the year 1862 which embittered the people of the United States far more strongly against that country than these attempts at intervention. As they were disastrous and lasting in their effects, the conduct of the British government in allowing the Confederate cruisers to be built in and depart from its ports to prey upon American commerce is still cherished in the memories of our people as a wrong of so flagrant a character as to be hardly atoned for by the heavy damages paid after the war and the many words and acts of sympathy of the British nation in later years. From the beginning of the war the Confederates had made England a most important base of military operations.

Mr. Adams was kept busy calling the attention of the Foreign Office to violations of the neutrality proclamation, but usually to no purpose, as the eyes of the officials were deliberately closed to any infringement of the laws. Although he had informed the government

[1] For correspondence, S. Ex. Doc. No. 38, 37th Cong. 3d Sess.

[2] Congressional Globe, March 3, 1863, pp. 1497, 1541.

of the construction and fitting out of the Florida as a rebel cruiser, she was permitted to sail in March, 1862, on her errand of destruction. Early in the year notice was also given by our minister of the construction of a vessel at Liverpool, known as No. 290, designed for the Confederate service. The fact was announced in Parliament, and it became a matter of public notoriety. And yet the authorities at Liverpool reported to the ministry that there was not sufficient evidence of a legal character to justify their interference.

On June 23, Mr. Adams gave to Lord John Russell, in writing, such notification of the character of the vessel and its destination as should have led to positive action on the part of the British authorities, but no such action was taken. Not discouraged, the diligent American consul at Liverpool collected further legal evidence required by the neutrality laws, and Mr. Adams submitted it to an eminent lawyer, Sir Robert Collier, a queen's counsel, who gave the opinion that upon these papers the authorities at Liverpool were in duty bound to detain the vessel, and said: "It appears difficult to make out a stronger case of infringement of the foreign enlistment act, which, if not enforced on this occasion, is little better than a dead letter."[1] Mr. Adams laid this legal opinion and accompanying papers before Russell on July 22, as they had previously been submitted to the authorities at Liverpool. Years afterwards Earl Russell wrote: "I ought to have been satisfied with the opinion of Sir Robert Collier, and to have given orders to detain the Alabama,"[2] but in place

[1] Dip. Cor. 1862, p. 152. [2] Recollections, etc., by Earl Russell, 235.

of discharging his plain duty, he referred the papers to the law officers of the crown.

Meanwhile, No. 290, christened the Alabama, was being as rapidly as possible prepared for sea. Six days elapsed before the law officers gave their opinion, on July 29, that without loss of time the vessel should be seized. On that very morning the Alabama left her dock and went down the Mersey, under the pretense of a trial trip, with a party of Confederate sympathizers on board. The party returned on a tug, but the Alabama went to sea flying the British flag, and after taking on board in the Azores her armament, she entered upon her career of devastation.[1]

She was built with British money, under a Confederate loan, in a British port, armed with British guns, manned by British seamen, frequently displayed the British flag, and was given a hearty welcome in British ports throughout the world. At a meeting in Oxford, England, a few months later, Professor Goldwin Smith said: "No nation ever inflicted upon another a more flagrant or more maddening wrong. No nation with English blood in its veins had ever borne such a wrong without resentment."[2]

Within a year it and its sister cruisers had swept the American shipping from the seas.[3] At the opening of the Civil War, this shipping was second in the world's commerce, and was pressing the British mercantile marine with a sharp competition. It was a source of great national wealth, furnished employment to

[1] For official correspondence, Dip. Cor. 1862, pp. 128, 149, 162.

[2] London News, April 8, 1863.

[3] 12 Sumner's Works, 77.

many thousands of hardy seamen, and it was the proud boast of every American that the national flag floated on every sea and was displayed in almost every port of the globe. When we reflect that this great industry has never recovered from that destructive blow, and that it was brought about by the criminal failure of the British authorities to observe the principles of international law and their own domestic statutes, it is little wonder that resentment at the wrong has not become wholly extinct.

While the news of the devastating work in all waters of the British-built Confederate cruisers was being received in England and America, authentic intelligence was brought to Mr. Adams that the British sympathizers with the rebellion, not satisfied with the severe blow they had already inflicted upon the Union cause, were preparing a still more deadly measure of attack. Contracts had been entered upon with the builders of the Alabama for the construction of two powerful iron-clad rams, designed to raise the blockade of the Southern ports and put in peril the Northern seaboard cities. Bulloch, the intelligent agent having the construction of these vessels in charge, wrote the secretary of the navy at Richmond that with them he expected to "sweep the blockading fleet from the sea-front of every harbor," ascend the Potomac, render Washington untenable, and lay the Northern cities under contribution.[1] Captain Page, who had been detailed by the Confederate government to command the vessels, has recently stated that it was his purpose to sail at once to Wil-

[1] 1 Bulloch's Secret Service of the Confederate States, 411.

mington, to raise the blockade there and at Charleston, thence proceed to the gulf ports, and cut off all water communications with New Orleans. He adds: "I had at the time perfect confidence in my ability to accomplish my purpose, and I now [1898] believe, in the light of what I have since learned, that if the rams had been permitted to leave England I would have been successful." [1]

In the light of these declarations, it is seen that a great danger menaced the Union cause, and our indefatigable minister in London might well be concerned for the result of his efforts to avert it. In order to secure the funds for the construction of the rams a Confederate loan for £3,000,000 was openly put upon the London market, secured by a pledge of cotton, and was readily and largely oversubscribed at better figures than United States government bonds could command. A noble peer boasted in the House of Lords: "Is the issue doubtful? The capitalists of London, Frankfort, Paris, Amsterdam, are not of that opinion. Within the last few days the Southern loan has reached the highest place in our market. £3,000,000 were required; £9,000,000 were subscribed for." This loan was made the subject of a remonstrance by Mr. Adams to Earl Russell, but to no purpose.[2]

A debate which occurred in the House of Commons, March 27, 1863, had an ominous aspect for the North. Forster called attention to the construction and departure of the Alabama, and the solicitor-general contended that the government was without blame. John Bright

[1] 4 Rhodes's U. S. 385, note.

[2] Dip. Cor. 1863, p. 239.

charged that a Confederate cruiser had just been launched at Liverpool, and that the two ironclad rams were intended for the same purpose. The Prime Minister closed the debate and treated the American grievances with indifference, as will be seen from this statement in reply to Forster and Bright: "Whenever any political party, whether in or out of office in the United States, finds itself in difficulties, it raises a cry against England as a means of creating what in American language is called political capital. . . . The solicitor-general has demonstrated, indisputably, that the Americans have no cause of complaint against us."[1] Mason, the Confederate commissioner, wrote to Richmond: "It was felt on all hands that the debate was a most damaging one to the arrogance of the Yankee pretensions."[2] The feeling of the friends of the North in England was that the debate meant war.[3]

The summer of 1863 was filled with anxiety for Mr. Adams. The work on the Confederate ironclads went on apace, and as fast and as often as he could obtain evidence as to their purpose and destination, he addressed the Foreign Office on the subject. The published correspondence of the Department of State shows how industrious he was in this respect.[4] So pressing and embarrassing were the efforts of Mr. Adams, that the Confederate agents found it necessary to take measures to disguise their purpose, and the services of a French firm were enlisted to this end. A contract was

[1] For report of debate, Dip. Cor. 1863, p. 164.

[2] March 30, 1863, Confederate Dip. Cor. MS.

[3] 4 Rhodes's U. S. 369.

[4] Dip. Cor. 1865, pp. 82–341.

entered into by the latter with the builders, by the terms of which the rams were to be completed and delivered to them in France. Bulloch, the Confederate agent, had at the same time made a secret arrangement with the firm to sell them to him as soon as they had left British waters.[1] The British government affected to give credence to the genuineness of the French contract, and Mr. Adams almost despaired of preventing their departure.

But favorable news for the Union cause came across the Atlantic. The battle of Gettysburg had been fought, Vicksburg had surrendered, and the friends of America in England took courage. Adams renewed his representations to the Foreign Office, and finally on September 3, being advised by Consul Dudley at Liverpool that one of the rams was ready for sea and was likely to leave at any time, he addressed a note to Earl Russell, inclosing further testimony showing that the departure of the ironclad was imminent, and begged to record, in the name of his government, "this last solemn protest against the commission of such an act of hostility against a friendly nation.[2] He had hardly dispatched this note when he received one from Russell replying to his previous representations, in which he stated that her Majesty's government "cannot interfere in any way with these vessels."[3]

We may be sure this note gave our minister great anxiety. He felt that the fate of his country hung on the outcome of the next few hours. That night he

[1] 1 Bulloch's Secret Service, 400.

[2] Dip. Cor. 1863, p. 361.

[3] Ib. 363.

records in his diary: "I clearly foresee that a collision must now come out of it. . . . The prospect is dark for poor America." The conclusion reached after a sleepless night was that another note must be sent at once to Russell. It began: "At the moment when one of the ironclads is on the point of departure from this kingdom, on its hostile errand against the United States, I am honored with the reply of your lordship to my notes," enumerating them. He says, as to the decision of the British government, announced in the reply: "I can but regard it as otherwise than as practically opening to the insurgents free liberty in this kingdom to execute a policy of attacking all the seaboard cities of the North, and raising the blockade." Then follows this celebrated sentence: "It would be superfluous in me to point out to your lordship that this is war." [1]

But meanwhile Mr. Adams's note of September 3 had reached Russell, and he replied to it on the 4th that "the matter is under the serious and anxious consideration of her Majesty's government." [2] On the 5th the previous decision was reversed; Russell, after consulting with the solicitor-general over the papers Adams had sent, issued orders to detain the ironclads; and he requested Palmerston, if he did not approve his action, to call a cabinet meeting at once.[3] No cabinet meeting was called, the vessels were permanently detained, and eventually sold by the builders to the British government.

The crisis was passed. No more cruisers were built

[1] Ib. 367. [2] Ib. 364.

[3] 2 Walpole's Russell, 359.

in or left English ports. Although the danger of trouble from the British government had not been entirely removed, the turn of the tide of public sentiment was strongly setting towards the side of the Union. An event had occurred in the United States which was greatly contributing to this favorable change.

The greatest act of that great American, Abraham Lincoln, was his proclamation of emancipation.[1] In his message to Congress of December 1, 1862,[2] foreshadowing his proclamation of January 1, 1863, he made a strong appeal for the coöperation of that body in the momentous act, sought to remove the doubts as to its wisdom, and, with an evident consciousness of the greatness of the deed, he closed with these words: "The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. . . . We shall nobly save, or meanly lose, the last, best hope of earth. The way is plain, peaceful, generous, just — a way which, if followed, the world will forever applaud, and God must forever bless."

When the proclamation reached England it was received with sneers by the government party and the upper classes. The Times said: "Mr. Lincoln will, on the first of next January, do his best to excite a servile war in the States he cannot occupy with his armies;" and after the final proclamation was issued, it repeated its assertion, saying President Lincoln "calls to his aid the execrable expedient of a servile insurrection."[3]

[1] For preliminary proclamation of Sept. 22, 1862, 6 Richardson's Messages, 96; for final proclamation of Jan. 1, 1863, Ib. 157.

[2] 6 Richardson's Messages, 142.

[3] Times, Oct. 7, 1863; Jan. 6, 15, 1863.

The Conservative organ, the Standard, pronounced it "a sham," intended "to deceive England and Europe. . . . the wretched makeshift of a pettifogging lawyer." John Stuart Mill wrote: "In England the proclamation has only increased the reason of those who, after taunting you so long with caring nothing for abolition, now reproach you for your abolitionism as the worst of your crimes."[1] Earl Russell, in a dispatch to Lord Lyons, the British minister in Washington, discussed the proclamation in most disparaging terms. "It is a measure of war of a very questionable kind," he said, and intimated that its object was not "total and impartial freedom for the slaves, . . . but vengeance on the slave owner." Of this dispatch, Adams's unpublished diary says: "The most flagrant case of all is the construction put by Lord Russell on the President's proclamation of emancipation. Such is English manliness! Such is English honesty!"[2] Mason was greatly encouraged by these expressions of the ruling classes, and wrote to Richmond of the proclamation: "It will have an effect exactly opposite to that which was intended, if the object was to conciliate the public opinion of Europe."[3]

But these friends of the Confederacy failed to realize the immense moral force contained in Lincoln's great paper, and they had misjudged the character of the English people and the effect which that moral force was destined to have upon them. Soon the antislavery societies began to comprehend the significance

[1] 2 Motley's Letters, 95. [2] 4 Rhodes's U. S. 359.
[3] Confederate Dip. Cor. MS.

of the proclamation, and meetings of sympathy were called by them. The working classes and the trades-unions likewise felt that it was an appeal to them. Within a few months, everywhere throughout the kingdom meetings of congratulation to Mr. Lincoln and sympathy for the Union cause were held, and the whole land was swept by a wave of humanity and justice.

These demonstrations had a culmination in a great meeting in Exeter Hall, London, which is described as one of the most extraordinary manifestations ever made in that city. In transmitting an account of it to the Department of State, Mr. Adams terms it "a most significant indication of the popular sentiment of the middle classes. Gentlemen tell me there has been nothing like it here since the time of the anti-corn-law gatherings."[1] In forwarding reports of other meetings the next month, our minister writes: "There can be no doubt that these manifestations are the genuine expression of the feelings of the religious dissenting and of the working classes of Great Britain. The political effect of them is not unimportant."[2]

A unique indication of this dissenting feeling is found in Mr. Adams's account of a regular Sunday morning service in Mr. Spurgeon's great tabernacle in London, at which were present many thousand people. In the course of his prayer he said: "Now, O God, we turn our thoughts across the sea to the dreadful conflict of which we know not what to say; but now

[1] Dip. Cor. 1863, p. 97. For correspondence of Mr. Adams on the proclamation meetings, Ib. pp. 52–350.

[2] Ib. 100.

the voice of freedom shows where is right. We pray Thee give success to this glorious proclamation of liberty, which comes to us from across the waters. We had feared our brethren were not in earnest, and would not come to this. Bondage and the lash can claim no sympathy from us. God bless and strengthen the North. Give victory to their arms, and a speedy end to the fearful strife. As lovers of freedom, let us not belie our calling. Now that we know their cause, we can but exclaim, God speed them." Mr. Adams reports that the immense audience, interposing in the prayer, responded to this paragraph by a general Amen.[1]

These demonstrations, indicating the underlying spirit of the English people to range themselves on the side of freedom and humanity, doubtless had a marked influence on the conduct of the government. The friends of America in the cabinet gained fresh courage, and the Duke of Argyll and Milner Gibson made public speeches, indicating their greater confidence in the treatment of the American question and its relations to slavery. A dissolution of Parliament was expected, and the Liberal ministry, then in power, knew that it could not go to the country with any hope of success with the dissenting churches and the working classes arrayed against them. Neither were these demonstrations without their influence on the Conservative leaders. Adams's diary records: "The most marked indication respecting American affairs was the course of Lord Derby and Mr. Disraeli. On their minds the

[1] Ib. 80.

effect of the President's proclamation on public sentiment had not been lost."

That the effort to carry the people of Great Britain into the support of a slaveholders' rebellion would prove abortive in the end was early foreseen by a Southerner. When the first Confederate agent, W. L. Yancey, was about proceeding to Europe, his brother, B. C. Yancey, who had spent some years in England, wrote him that "unless the [Confederate] government should send a commission authorized to offer commercial advantages so liberal that the Exeter Hall influence could not withstand them, the British government, however well disposed, would not venture to run counter to the antislavery feeling by the recognition of the Confederate States;" and he warned him that Cobden and Bright, as the leaders of the laboring classes, would be found to bar the way to recognition.[1]

The proclamation of emancipation, issued primarily as a war measure, and to affect the Union cause at home, probably had a still greater influence abroad in achieving the triumph of the North. All over Europe it had an inspiriting effect upon the friends of freedom. But in England it was decisive. The battle of Gettysburg and the fall of Vicksburg had their weight, but the silent working of the great moral principle in the decree of emancipation did more to restrain the British government in relation to recognition and in arresting the ironclads than all other influences. America owes its deliverance from the untold calamities of disunion in great measure to the anti-slavery sentiment

[1] Life and Times of W. L. Yancey, 588.

of Great Britain, as represented mainly in the dissenting churches and the laboring classes, led by Bright, Forster, and Cobden, and a small band of literary men.

A curious incident connected with the building of the Confederate ironclads ought not to be omitted. In the report of the proceedings of the House of Commons already noticed,[1] the Prime Minister excused the failure of the government to prevent the sailing of the Alabama, on the ground that if she had been detained without legal cause, the government would have been exposed to heavy damages. It had also been suggested that the ironclads under construction at Liverpool could not be detained without the execution of an indemnifying bond to the government. This situation having been brought to the attention of Secretary Seward and Mr. Chase, Secretary of the Treasury, a scheme was conceived to circumvent the plans of the Confederates. Two citizens of the highest standing, Messrs. John M. Forbes, of Boston, and W. H. Aspinwall, of New York, were dispatched to England, with instructions to purchase outright, if possible, the ironclads from the builders by outbidding the Confederates; or to provide a way of furnishing an indemnity bond, in case it became necessary for the detention of the vessels. To effect this purpose they were provided with $10,000,000 in five-twenty United States bonds. The two gentlemen went to London, spent some time in fruitless negotiations, and returned to the United States, bringing back with them the five trunks full of

[1] Dip. Cor. 1863, pp. 164–182.

government bonds, doubtless feeling they had been sent on "a fool's errand." [1]

In October, 1861, Secretary Seward, with the approval of the President and Cabinet, dispatched to Europe Archbishop Hughes of the Roman Catholic Church, Bishop McIlvaine of the Protestant Episcopal Church, and Thurlow Weed, a prominent politician and journalist, on a confidential and secret mission, for the purpose of influencing, as far as possible, public sentiment in respect to the war. They were not to have or assume any diplomatic functions, were not to deal distinctively with any foreign government, although they bore private letters from Secretary Seward to various persons holding important posts in the governments of Europe, and were to receive no compensation beyond their expenses. The services rendered by these citizens were of great value to the country, but no record exists in the Department of State of their appointment, and no reports from them are to be found in its archives.[2]

As the war progressed quite a number of other private agents were sent to Europe by the different departments. William M. Evarts went to London under employment of the Secretary of State, to aid the legation on legal questions concerning the Confederate cruisers and other violations of neutrality.[3] During the Alabama controversy in 1862, Mr. Adams, as we have seen, availed himself of the services of an eminent

[1] The story of this visionary scheme is told by Charles Francis Adams, son of the minister, in the Proceedings of the Massachusetts Historical Society, October, 1899; also noticed in 2 Forbes's Letters and Recollections.

[2] 3 Life of Seward, 17–20.

[3] Dip. Cor. 1863, p. 212.

English lawyer, Sir Robert Collier,[1] but he was subjected to such severe criticism that he was compelled to decline further employment; and Adams records in his diary: "No lawyer of eminence will have the courage to repeat Mr. Collier's experiment." Robert J. Walker, Secretary of the Treasury under Polk, was sent to Europe by the Treasury Department in connection with government finances. The mission of Messrs. Forbes and Aspinwall for the Navy Department has just been noticed. Quite a number of other agents of the departments were in England, and on the continent from time to time, besides various self-constituted agents. Some of these occasioned our ministers in Europe much anxiety and no little annoyance. Mr. Adams writes: "It cannot be denied that ever since I have been here, the almost constant interference of government agents of all kinds has had its effect, however intended, of weakening the position of the minister. . . . I doubt whether any minister has ever had so much of this kind of thing to contend with." [2]

Our relations with Great Britain during the war cannot be dismissed without a recognition of the invaluable services rendered by our minister, Mr. Adams. He remained at his post throughout the entire period of the war, and was untiring in devotion to his duties. No other minister of the United States has ever passed through so long a period of intense excitement and critical responsibility. He displayed diplomatic skill of the highest order, and a patriotic spirit unsurpassed by his fathers. Mr. Lowell, who afterwards occupied the

[1] Supra, p. 385. [2] Charles Francis Adams, by his son, 356.

same post, has well said: "None of our generals in the field, not Grant himself, did us better or more trying service than he in his forlorn outpost in London."

The end of the Civil War, which happily terminated our anxiety over foreign intervention, was also marked by the tragic death of President Lincoln, which not only plunged the country into mourning in the hour of victory and rejoicing over a restored Union, but sent a thrill of horror throughout the world and brought forth a manifestation of sympathy from all nations and peoples such as had never before been witnessed in the annals of time. These testimonials of sympathy from all quarters of the globe were compiled by the Department of State, and published by special resolution of Congress in a large quarto volume of over nine hundred pages, entitled "Tributes of the Nations to Abraham Lincoln."[1] It constitutes a unique work, and graphically illustrates how strongly this simple but majestic American has impressed his personality on the world — a personality which is destined to be the central figure of our country's history in the estimation of mankind.

[1] This volume has been republished as Part 4 of the Diplomatic Correspondence of 1865.

CHAPTER XI

AFTER THE CIVIL WAR

THE most important subject connected with foreign relations which called for the attention of the government at the close of the Civil War was the situation of affairs in Mexico. The disturbed condition during the Buchanan administration, to which I have already referred,[1] afforded a sufficient pretext or reason on the part of foreign governments to intervene in behalf of their injured subjects in Mexico, and the Civil War in the United States released them from any fear of active interference from this country with their designs. Accordingly, on October 31, 1861, Great Britain, France, and Spain united in a tripartite agreement[2] for a joint military expedition, avowedly to enforce the claims of and secure protection to their subjects, in which they expressly disavowed any intention to secure territory or coerce the nation respecting the form of government; and they sent a combined naval and military force to Vera Cruz.

The United States was asked to become a party to the agreement and expedition, but Mr. Seward declined, and in guarded language stated that the United States could not enter upon warlike measures to enforce claims

[1] Supra, p. 355. [2] Dip. Cor. Mexican Affairs, 1862, pp. 134, 135.

against its neighbor, nor could it consent that any foreign government should acquire territory in Mexico or exercise any influence to interfere with the free choice of its people. In a few months the British and Spaniards discovered the real designs of Napoleon, and withdrew from the country, leaving the French alone in Mexico to pursue their plans. The Emperor Napoleon gave assurance to our government, in June, 1862, after the rupture with his allies, that "the French troops do not go there to interfere with the form of government, nor to acquire an inch of territory," and that his only object was to secure a settlement of French claims; and he repeated this assurance constantly during the following three years.[1]

The French forces had a comparatively free hand during the Civil War, although our government continued its relations with Juarez as the lawful president, and firmly and steadily declined to recognize the so-called Emperor Maximilian, who had been placed on a throne erected and supported by French bayonets. But when the Civil War was happily terminated, a large army of observation under General Sheridan was dispatched to the Rio Grande frontier, prepared for such action as circumstances might determine. General Grant favored the expulsion of the French troops from Mexico without delay,[2] but Mr. Seward felt sure that a temperate but firm insistence upon our position maintained during the war would accomplish the desired end, and his representations through our minister in Paris

[1] Dip. Cor. 1862, p. 348; Ib. 1863, pp. 96–109.

[2] 2 Grant's Memoirs, 545, 546.

led to the assurance by Napoleon that his troops would be withdrawn; and this was gradually accomplished without a break in our relations with France.[1] Maximilian, left to himself, was soon overthrown by the Mexican republican troops, and he deservedly paid the penalty with his life for his attempt at the establishment of a monarchy on this continent by force.

An event which occurred in 1866 — the successful laying of the Atlantic telegraphic cable — has had a greater influence on the methods of diplomacy than any other physical fact of the century; and it is gratifying to note that this achievement was mainly the result of the untiring efforts of an American, Cyrus W. Field. Mr. Seward, in his dispatch of congratulation to Mr. Field, said: "If the Atlantic cable had not failed in 1858, European states would not have been led, in 1861, into the great error of supposing that civil war in America would either perpetuate African slavery or divide this Republic;" and he added: "Your grand achievement constitutes, I trust, an effective treaty of international neutrality and non-intervention."[2]

Upon the succession of Andrew Johnson to the presidency, after the assassination of Lincoln, Mr. Seward continued in the Cabinet, notwithstanding he subjected himself to the severe criticism of his party, which soon broke with the President, he feeling that in

[1] The official correspondence and documents of these events are very voluminous; see Dip. Cor. Mexican Affairs, volumes for 1862, 1863, 1864, 1865–6, 1867. For evacuation of French, H. Ex. Doc. 93, 39th Cong. 1st Sess. vol. 12.

[2] 3 Life of Seward, 333.

the delicate condition of our foreign relations he should continue in the management of these affairs. His most important act during Johnson's term was the purchase of Alaska from Russia, which reflects much credit upon his diplomatic skill and his wise foresight as a statesman.

The steps which led up to the purchase may be briefly stated. The first suggestion of the acquisition appears to have been made during Polk's administration. We have authority of a member of the Cabinet, Mr. R. J. Walker, for the statement that Russia indicated a willingness to give us its American possessions if we would adhere to the claim of 54° 40′ on the Pacific, and thus exclude Great Britain from that ocean on the American continent.[1] The subject was revived in 1859 when Senator Gwin, of California, and Assistant Secretary of State Appleton had conferences with the Russian minister in Washington on the subject of cession, and $5,000,000 was unofficially suggested as the price; but the election of 1860, and the Civil War, suspended the negotiations.[2] In 1866 the legislature of Washington Territory sent a petition to the Secretary of State, asking for better facilities for American fishing vessels in Russian-American waters.[3] About this time a company was organized in San Francisco to secure the privileges in the fur trade of the Russian-American Company, and also of the lease about to expire by the Hudson Bay Company of the strip of land on the coast north of 54° 40′. In their interest

[1] Dip. Cor. 1867, p. 390.

[2] H. Ex. Doc. 177, 40th Cong. 2d Sess. p. 132.

[3] Ib. 4.

Senator Cole of California had several conferences with the Russian minister in Washington, and also communicated with Mr. Clay, our minister in St. Petersburg, on the subject.[1]

Another event of the same year (1866) had an important influence on the cession of Alaska. In April an attempt upon the life of the emperor was made, and it brought forth from the Congress of the United States a warm resolution of congratulation on his escape. It was determined to have the resolution carried to St. Petersburg in one of our ironclad men-of-war, and Mr. Fox, the Assistant Secretary of the Navy, was detailed to deliver it to the emperor.[2] This action was taken in reciprocation of the visit of the Russian fleet to our country in the midst of our Civil War, made as an exhibition of the friendliness of that government at a time when most of the nations of Europe were sympathizing with the Confederacy, thus manifesting the prevailing sentiment voiced in the poem of Dr. Holmes: "Who was our friend when the world was our foe."[3]

[1] Ib. 133. [2] Dip. Cor. 1866, p. 413, 414.

[3] Dr. O. W. Holmes's poem was sung to the Russian national air, in Music Hall, Boston, by the public school children, December, 6, 1871, on the occasion of the visit of the Grand Duke Alexis. The verse from which the above extract is taken is as follows: —

Bleak are our shores with the blasts of December,
Throbbing and warm are the hearts that remember
Who was our friend when the world was our foe;
Fires of the North in eternal communion,
Blend your broad flashes with evening's bright star;
God bless the Empire that loves the Great Union,
Strength to her people! Long life to the Czar.

Holmes's Poems (ed. 1880), 256.

The mission of Mr. Fox created throughout Russia intense interest and gratitude.[1]

A few months afterwards Baron Stoeckl, the Russian minister in Washington, made a visit to St. Petersburg, and conferred with his government respecting the cession. He returned to Washington in March, 1867, with authority to negotiate for the transfer. On March 30 the treaty was signed with Secretary Seward. It is related[2] that the Russian minister, late in the evening of March 29, went to the residence of Mr. Seward, where he found the secretary playing whist with some members of his family, and informed him that he had received a cablegram from his government authorizing him to make the treaty, and added: "To-morrow, if you like, I will come to the department, and we can enter upon the treaty." "Why wait till to-morrow, Mr. Stoeckl? Let us make the treaty to-night," said Mr. Seward. "But your department is closed. You have no clerks, and my secretaries are scattered about town." "Never mind that," responded Seward, "if you can muster your legation before midnight, you will find me awaiting you at the department, which will be open and ready for business." And thus by four o'clock, on the morning of the 30th, the treaty was engrossed, signed, sealed, and ready for transmission to the Senate.

The haste was occasioned by the expected early adjournment of that body. The treaty was promptly

[1] For official reports of Mr. Fox's mission, Dip. Cor. 1866, pp. 416–459.

[2] 3 Life of Seward, 348.

ratified by the Senate, by a vote of 37 to 2, with little discussion, except a long and carefully prepared speech by Mr. Sumner, Chairman of the Committee on Foreign Relations, in which he gave a detailed report of the history, resources, and prospective advantages to the United States of the territory.[1] It was the first acquisition of non-contiguous territory made by our government, but this fact does not seem to have created opposition to the measure in the Senate.

The transfer of possession was made October 18, 1867, but the appropriation of the purchase-money was not made until July, 1868. The friendly disposition and confidence of Russia is shown in the fact that it did not make this payment a condition precedent to the transfer. Although the treaty was acted upon by the Senate with little opposition, the appropriation awakened a lengthy debate in the House, it being contended that the territory, because of absence of resources, would prove of no value to the United States. It was further argued that the treaty could have no effect until acted upon by the House, although it had been proclaimed by the President and the territory transferred to the United States. This was the same question that was raised as to the treaty-making power when the Jay treaty of 1794 was before Congress for the execution of its provisions.[2]

After weeks of debate the House passed a bill reciting that it was "necessary that the consent of Congress shall be given to the said treaty before the same shall have full force and effect," and enacted "that the assent

[1] H. Ex. Doc. 177, cited p. 124.

[2] Supra, p. 167.

of Congress is hereby given to the stipulations of said treaty." This was rejected by the Senate, and in conference committee a new bill was agreed to, in which the terms of the treaty are recited in the preamble and the statement made that "said stipulations cannot be carried into full force and effect except by legislation to which the consent of both Houses of Congress is necessary;" and the act simply appropriates the purchase-money "to fulfill stipulations contained in Article 6."[1] This action was not, therefore, an assertion that the House has the prerogative of affirming or rejecting a treaty, as implied in the bill as originally passed by that body.[2]

Senator Sumner said of the negotiations: "Few treaties have been conceived, initiated, prosecuted, and completed in so simple a manner, without protocols or dispatches." The motive of Russia in making the cession has been the subject of discussion. Sumner referred in his speech to the motive assigned by Napoleon for the cession of Louisiana, "to give England a maritime rival destined to humble her pride," and intimated that Russia was influenced by similar considerations.[3] Mr. Clay, our minister in St. Petersburg, in referring to the causes which had brought the negotiations to success, wrote Secretary Seward that the Russians preferred to have the United States rather than England as their neighbors, and that they entertained the hope that the cession might ultimately lead to the

[1] 15 Stat. at Large, 198.

[2] For debate in Congress, Cong. Globe, 40th Cong. 2d Sess.

[3] H. Ex. Doc. 177, 40th Cong. 2d Sess. p. 130.

expulsion from the Pacific of the nation whose power in the East is justly feared.[1] A historian of the period says of the treaty: "It created a profound sensation throughout the country, and indeed throughout the civilized world. The Russian government had never before consented to the alienation of any part of its vast domain; and it was felt that the sale, which came soon after the close of a war in which Russia had openly manifested sympathy with the United States government in its struggle to preserve its integrity, was another evidence of the friendship of the empire for the republic."[2]

Mr. Seward stated, soon after this cession was perfected, that his object in acquiring Alaska was to prevent its purchase by England, thereby preventing the extension of England's coast line on the Pacific; also because he believed it would strengthen American influence in British Columbia, if it was bounded on the north, as well as on the south, by the United States. He, on the same occasion, said that political union with the United States was the manifest destiny of Canada; that it would remove the causes most likely to produce irritation between England and the United States; and that the longer Canada resisted the inevitable, the longer she would defer the development of her natural resources.[3]

The amount paid for the territory was $7,200,000.

[1] Dip. Cor. 1867, p. 390.

[2] 5 Bryant's Hist. U. S. (Scribner), 398.

[3] Interview with Hon. John Simpson, Senator of the Dominion of Canada. New York Sun, Jan. 29, 1893.

The receipts of the government from the sealing industry of the Pribylof Islands alone have amounted to over $12,000,000. The area of the territory is 599,446 square miles.[1]

Mr. Seward also negotiated a treaty with Denmark for the acquisition of the islands of St. Thomas and St. John in the West Indies, but the measure failed because of the non-action of the Senate.[2]

The situation of our relations with Japan occupied the attention of Secretary Seward often during and after our Civil War, as also that of his immediate pre-

[1] The growth in area of the United States on the continent of North America is computed by the Commissioner of the General Land Office, May 2, 1900, as follows: —

		Sq. Miles.
Territory of the Original Thirteen States		909,050
Louisiana Purchase, 1803		875,025
Florida, under treaty, 1819		70,107
Oregon, under treaty, 1846		288,689
Texas, annexed in 1845	389,795	
Ceded by Mexico, 1848	523,802	
Ceded by Mexico, 1853	36,211	
		949,808
Alaska, under treaty, 1867		599,446
Total continental territory		3,692,125

The insular territory acquired in 1898 is computed by the Superintendent of the Coast Survey, May 10, 1900, as follows: —

	Sq. Miles.
Hawaiian Islands	6,740
Porto Rico	3,522
Philippine Islands	122,231
Guam	175
Tutuila, Samoan group	5,731
Total insular territory	138,399

[2] 3 Life of Seward, 369; 1 Wharton's Int. Dig. 416; Schuyler's Diplomacy, 23.

decessors. As soon as Commodore Perry's treaty had been ratified, in 1855, Mr. Townsend Harris was appointed consul-general and afterwards was made minister resident. He remained in Japan as the American representative for seven years, in which he rendered valuable services to his own country, and to Japan as well, Mr. Seward attributing much of the success in establishing such friendly relations with that country to his "wonderful sagacity and patience."[1] In 1857 and 1858 he negotiated complete treaties of amity and commerce, in substitution of the limited treaty of 1854, in which he secured the opening of other important ports to commerce, extraterritorial jurisdiction to our consuls, and valuable trade and tariff regulations.

Japan early began to feel the effect of foreign intercourse established by the commercial treaties, and in 1860 it sent abroad quite an imposing embassy, which in turn visited the United States and European countries, to study their institutions and establish better political relations. The embassy was cordially received everywhere, its personnel attracted attention because of its intelligence and ability, and every encouragement was given to the liberal policy which seemed to have taken possession of the ruling classes. But this policy met with fierce opposition within the empire, and often the rage and bigotry of the populace vented themselves on foreign residents, quite a number of whom lost their lives or suffered in the destruction of their property. Among these was the secretary of the United States legation, who was murdered in 1861; and two years

[1] 1 Wharton's Int. Dig. 495.

later in an anti-foreign riot the legation premises at Tokio were destroyed, and the minister and his household had to take refuge in the treaty port of Yokohama.

Secretary Seward treated these matters and the Japanese government with leniency and friendliness. None of our statesmen of his day had such an exalted conception of the importance of our future relations to the peoples of the Pacific islands and of Asia. In a speech delivered in the Senate in 1858 he made a notable prophecy. He said: "The Pacific Ocean, its shores, its islands, and the vast regions beyond, will become the chief theatre of events in the world's great hereafter." In their intercourse with China and Hawaii he enjoined on our representatives the utmost forbearance and kindness, in order that our citizens and their enterprises might reap the benefit of peaceful relations and friendship for America. In instructing our minister as to the course to be pursued respecting the injuries inflicted in Japan upon officials and citizens of the United States, he recalled the fact that from its first acquaintance with Japan our government had conducted its intercourse with the utmost sincerity, frankness, and friendship; that it was the first duty of the American representatives to deserve and win the confidence of the Japanese government and people; that they should act as if the riotous events would have been prevented by the authorities, if they had possessed the power; that nevertheless they should insist upon full reparation for the outrages; and that in their united action with other foreign powers, for mutual protection

and redress, they should conduct themselves with prudence, and not resort to force except in extreme cases.[1]

The first treaties of the United States and of other foreign powers were made, not with the Mikado or Emperor, but with the Shogun or Tycoon, who was in reality a military dependent of the Emperor, but who for many years in recent times had exercised the chief authority in the islands. Yeddo, the seat of government of the Shogun, was regarded by the outside world as the capital of the nation, and the treaties had been made with that official under the mistaken belief that he was the chief ruler of the empire. His authority had been waning for some time previous to the arrival of Commodore Perry in the Bay of Yeddo, and the opposition to him on the part of the adherents of the Mikado gradually grew so strong that in 1867 the last of the Shoguns withdrew to his own family estate, and the Mikado became the undisputed ruler of the empire. His supremacy made it necessary that he should recognize or ratify the treaties which had been celebrated by the Shogun with the United States and other powers, and thereby accept the latter's liberal foreign policy; and this was accordingly done in 1868.

An event which occurred during the disturbed period of the revolt of the Mikado's adherents against the Shogun occasioned a conflict with the foreign powers. The prince of the province in which is the narrow strait connecting the Japanese inland sea with the ocean, who was an adherent of the Mikado and had the latter in his charge, seized the fortified port of Shimo-

[1] 1 Wharton's Int. Dig. 500–502.

noseki commanding the strait, refused to recognize the treaties made with the Shogun, and sought to close the strait to all foreign commerce. This led to a combined naval expedition in 1863 on the part of the United States, Great Britain, France, and the Netherlands, which destroyed the forts and opened the passage of the strait. As an indemnity for the expense of this expedition, the representatives of the four powers demanded and received from the Shogun the sum of $3,000,000, of which $785,000 was paid to the United States.[1]

This money remained in the treasury of the United States unappropriated until 1883, when Congress, with an awakened conscience, voted its return to Japan.[2] In response to the notes of the minister of the United States, communicating the repayment of the fund to Japan, its Minister for Foreign Affairs said: "His Majesty's government regards the spontaneous return of the money . . . not only as an additional proof of the friendly disposition of your excellency's government, but as a strong manifestation of that spirit of justice and equity which has always animated the United States in their relations with Japan, and it will, I am convinced, tend to perpetuate and strengthen the mutual confidence and the feeling of cordial good-will and friendship which at present happily subsists between the people of our respective countries."[3]

[1] For reports and correspondence, S. Ex. Doc. No. 58, 41st Cong. 2d Sess.; H. Misc. Doc. No. 151, 42d Cong. 2d Sess.; Dip. Cor. 1864, part 3; For. Rel. 1874, pp. 675, 694.

[2] 22 Stat. at L. 421.

[3] For. Rel. 1883, p. 606.

The Anglo-French war with China of 1858–60, which resulted in the occupation of Peking by the allied forces and the opening of a number of additional ports to foreign commerce, was a rude awakening of the Celestial Empire from its seclusion and conservatism, and its public men began to see that a new policy of broader and freer intercourse with foreign nations must be adopted. Anson Burlingame, who since 1861 had resided at Peking as minister from the United States, and by his tact and friendly conduct had gained the confidence of the Chinese government, was invited by it in 1868 to become the head of an imperial embassy,[1] to visit all the leading Christian nations, and through treaties and personal intercourse establish amicable and freer political and commercial relations with them.

This notable embassy first visited the United States, where it was received by the Executive, by Congress, and by the leading cities with distinguished attention. The government of the United States being in full sympathy with the objects of the embassy, a treaty (1868) was readily negotiated with its plenipotentiaries by Secretary Seward, wherein the rights of China were protected respecting all grants of lands or concessions to foreigners for internal improvements, freedom of conscience and religious worship were guaranteed, unnecessary dictation and intervention in internal affairs were to be discouraged, change of home and allegiance and free emigration were stipulated, and the privilege of unrestricted travel and residence in China and the

[1] Dip. Cor. 1868, part 1, 601.

United States, upon the basis of the most favored nation, was agreed to. After its mission had been successfully accomplished in the United States, the embassy visited Europe, where it was hospitably received, but where its political objects were not so readily nor so fully attained.

Unfortunately in the midst of its labors in Europe the embassy suffered the irreparable loss of its chief in the untimely death of Mr. Burlingame. This event proved a double misfortune to China, first, in weakening the influence of the embassy in Europe, and, second, in depriving its government of the services and leadership of an able and tactful foreigner to direct its efforts towards a more liberal and progressive policy. We can only conjecture what might have been the future of China if Mr. Burlingame's life had been spared and he had been permitted to lead in the progressive and liberal movement.

But another disappointment was in store for the empire. The large influx of Chinese laborers to the Pacific coast of the United States, which followed the treaty of 1868, created a sentiment in the country hostile to this immigration, and a demand arose for a modification of the clauses of that treaty which permitted the free entrance and residence of Chinese laborers. It would transgress the limits which I have fixed for this work to narrate the negotiation of the immigration convention of 1880, the disregard of treaty stipulations by Congress, and the harsh measures adopted by our government to restrict the admission of the Chinese into the United States.

The period of Mr. Seward's service is unique in the history of the Department of State. No other secretary has had to deal with so many important questions, and none have held office during such a prolonged crisis, taxing to the utmost the intellectual and physical powers of the incumbent. During this period he produced a series of state papers which take rank with those of the ablest writers on international law and polity. After he retired from office he made a tour of the world, and the reception accorded him attests the high esteem in which his ability and character were held in foreign lands. With the lapse of time Mr. Seward's services to his country, in the most critical period of its history, as Secretary of State, grow in importance and public appreciation. It is an interesting reminiscence of that time that in the early days of the crisis, when the Trent affair had just been successfully passed, December, 1861, a young man beginning to test the wings of the muse which were to raise him so high in the literary world, then a private secretary to the President, and destined himself to fill Mr. Seward's high office, foresaw his fame, and in an ode dedicated to the secretary, wrote: —

> "And so, a generous people, at the last
> Will hail the power they did not comprehend;
> Thy fame will broaden through the centuries."[1]

The stormy period of the Civil War and the Johnson era of reconstruction and party discord were followed by the more peaceful administration of President Grant. He made a wise selection of a secretary of state in the

[1] 3 Life of Seward, 35.

person of Hamilton Fish, a man of education, refinement, and experience in public affairs, having been governor of the State of New York, and member of both Houses of Congress, besides having spent much time abroad. During his eight years' term a great variety of diplomatic questions arose, only the most important of which can be noticed.

An insurrection broke out in Cuba the year of President Grant's election, was in full operation when Mr. Fish entered upon his duties, and continued during his entire term. It was to him a constant source of anxiety, involving questions respecting the proper enforcement of the neutrality laws, the recognition of the belligerency and independence of the insurgents, interference with American vessels, the protection of the lives and property of American citizens, and a variety of other matters growing out of a state of war in an adjacent country with which we had intimate and extensive commercial relations. Strong influences were brought to bear upon the government to secure the recognition of belligerent rights to the Cuban insurrectionists, and the arbitrary and cruel conduct of the Spanish officials more than once put the friendly relations of the two nations in great peril; but through the prudent and skillful conduct of affairs by Mr. Fish, the government was enabled to discharge its international obligations and preserve the confidence of our own people, notwithstanding their warm sympathy with the Cuban cause.[1]

[1] For official papers, 7 Richardson's Messages, 31, 64, 336 ; S. Ex. Doc. 7, and H. Ex. Doc. 140, 41st Cong. 2d Sess. ; S. Ex. Doc. 32, 42d Cong. 2d Sess. ; H. Ex. Doc. 30, 43d Cong. 1st Sess. (the Virginius) ; S. Ex. Doc. 29, and H. Ex. Doc. 90, 44th Cong. 1st Sess. ; Wharton's Int. Dig. sections 60, 377, and 402.

Attention was for some time directed to the island of San Domingo, because of a treaty of annexation negotiated with the president of that republic by President Grant's private secretary, General Babcock. The project met with strong opposition in this country and the treaty occasioned much party dissension in Congress,[1] and was finally rejected by the Senate, notwithstanding President Grant's warm advocacy.[2]

The Franco-German War of 1870 led to the proclamation of our neutrality,[3] and its brief duration occasioned little inconvenience to our commerce. The confidence which both of these great powers reposed in the disinterested friendship of the United States was illustrated in the selection by Germany of the American minister in Paris, Mr. E. B. Washburne, with the approval of France, to take charge of the interests of the subjects of the former during the war; and he acquitted himself with distinction in the discharge of his delicate and laborious duties.

Two cases of considerable interest, involving the question of extradition of criminals, occurred during the year 1876. One Winslow was arrested in London on a requisition under the extradition treaty charged with the crime of forgery committed in the United States. The British government required, as a condition of his surrender, that an assurance should be given that he would not be tried for any other offense than the one for

[1] 2 Blaine's Twenty Years in Congress, 458, 461.

[2] For official papers, 7 Richardson's Messages, 99; S. Ex. Doc. 17 and 24, H. Ex. Doc. 42, 41st Cong. 3d Sess.; S. Ex. Doc. 35, 42d Cong. 1st Sess.; S. Ex. Doc. 9, 42d Cong. 2d Sess.

[3] 7 Richardson's Messages, 86.

which he was extradited, on the ground that a British law passed after the treaty required such a condition. Mr. Fish refused to give such an assurance, for the reason that the condition was not warranted by the treaty. He contended that the terms of a treaty could not be modified by a domestic law, and he gave notice that if this position was maintained the United States would cease to ask for the surrender of any criminals under the treaty. The British government declined to yield, Winslow was released from arrest, and he was never tried.[1] For some months the treaty was virtually suspended, and no criminals were extradited. Finally, Great Britain yielded the point in controversy, and the treaty was again put in operation. But the United States has observed the rule that a person extradited for one offense shall not be tried for another, and the United States Supreme Court has held that such should be practiced under the treaty.[2]

The other extradition case referred to was that of "Boss" Tweed, of the Tammany ring, which defrauded the city of New York out of many millions of dollars. He was convicted and sentenced to a long term of imprisonment, but succeeded in escaping, fled to Cuba and thence to Spain, where he was discovered and arrested. We had no extradition treaty with Spain, and could not demand his surrender as a right. Nevertheless the Spanish government delivered him up, and he was returned to the state prison, where he died.[3] This action

[1] 1 Moore on Extradition, sect. 150, p. 196.

[2] United States *vs.* Rauscher, 119 U. S. Rep. 407.

[3] 1 Moore on Extradition, sect. 33, p. 41.

recalls an extradition case which occurred in 1864, and attracted much attention at the time. Arguelles, a Spanish colonel, seized a cargo of African negroes, sold them into slavery, appropriated the money to his own use, and fled to New York, where he established himself as a newspaper proprietor. The Spanish government asked for his extradition, although no treaty existed warranting it; but the crime was so flagrant and so repulsive to the moral sentiment of the nation that Mr. Seward felt justified in yielding to the request of the Spanish government, and he caused Arguelles to be delivered so expeditiously that no opportunity was given for a writ of *habeas corpus* to issue.[1]

The delivery was made in the midst of the presidential campaign, and it occasioned a great outcry by the opponents of the war and of the administration, as a tyrannical misuse of power and a violation of the right of asylum. And it is to be confessed that, though the act in question was a meritorious one, it affords a dangerous precedent for abuse of authority in a country which acknowledges the supreme rule of law. It is the last case of the kind which has occurred, the practice of the government being not to grant extradition except to countries with which we have treaties authorizing and requiring it.

The most important subject which occupied Secretary Fish during his long term of office was that growing out of the lax and unfriendly enforcement of neutrality by Great Britain during the Civil War. I have noticed the repeated complaints and protests of our minister in

[1] Ib. sect. 27, p. 27.

London, Charles Francis Adams, following the departure from British ports of one after another of the Confederate cruisers to prey upon our commerce, and the little satisfaction he obtained. Discouraged at the time with the small result of his efforts, he wrote the department: "The main object must now be to make a record which may be of use at some future day."

At the close of the war he renewed his correspondence with the Foreign Office, and sought to bring the British government to a realizing sense of the great injury done the United States, and to a willingness to make due reparation. Lord Russell denied all responsibility for the acts of the Alabama and other cruisers, and after a tedious discussion finally declared, with some impatience, "that he wished to say, once for all, that her Majesty's government disclaimed any responsibility for the losses, and hoped they had made their position perfectly clear."[1] Certainly this was sufficiently explicit; but it was utterly unsatisfactory to the United States, and its dissatisfaction and determination to persist at the proper time in urging its claim for reparation were made known to her Majesty's government.

In the course of a few years a change of ministry occurred in Great Britain, and, in a better frame of mind, the new ministry manifested a disposition to reopen the door so abruptly closed by Lord Russell. Mr. Reverdy Johnson, who had relieved Mr. Adams as minister in London, succeeded in negotiating with Lord Clarendon, in 1869, just at the close of President Johnson's

[1] For correspondence, President's Message, April 7, 1869, Claims against Great Britain, vol. 3.

administration, a treaty for the adjustment of our differences with Great Britain, but it was of such an unsatisfactory character that it was rejected by the Senate of the United States, by an almost unanimous vote.[1]

Upon the advent of President Grant, the new Secretary of State, Mr. Fish, reopened the subject with the Gladstone ministry, and after some preliminary negotiations, a special commission composed of five able and prominent statesmen was sent to Washington by the British government to confer with a like commission on the part of the United States, at the head of which was Secretary Fish, and to take up for adjustment what were known as the Alabama claims, and all other unsettled questions between the two nations. Out of these conferences there resulted a treaty signed on May 8, 1871, and called the treaty of Washington. It is one of the most important and the most comprehensive of the treaties ever negotiated by our government.

The treaty embraced eleven distinct subjects, which, very briefly enumerated, are as follows: In the first article the British commissioners expressed "the regret felt by her Majesty's government for the escape . . . of the Alabama and other vessels . . . and for the depredations committed by" them, and agreed to the submission of the claim of the United States therefor to a tribunal of arbitration, which has gone into

[1] For negotiations and copy of Johnson-Clarendon Treaty, Claims against Great Britain, vol. 3, pp. 692–789; for Senator Sumner's speech in opposition, 13 Sumner's Works, 23–93.

history as the Geneva arbitration. Second: The claims, other than the foregoing, of the citizens and subjects of the two governments arising during the Civil War, were likewise submitted to an arbitration commission.[1] Third: The seacoast fisheries of both countries were made free, and fish products were admitted free of duty by both governments for a term of ten years. Fourth: As the British (or Canadians) claimed that this privilege as to the fisheries was much more valuable to the Americans than to the Canadians, a commission was created to assess the excess of value, if any was shown to exist.[2] Fifth: The free navigation of the St. Lawrence, Yukon, Porcupine, and Stikine Rivers was stipulated. Sixth: The use of the canals of the United States and Canada was provided for on terms of equality by citizens of the respective countries. Seventh: The free navigation of Lake Michigan was granted to British vessels. Eighth: Free transit of goods in bond through the United States and Canada. Ninth: Certain coastwise trade was allowed on the St. Lawrence River and Great Lakes. Tenth: Free use of St. John River, New Brunswick, for Maine lumber. Eleventh: The reference of the water boundary dispute through the Strait of Fuca to the decision of the Emperor of Germany.[3]

The settlement of the questions arising out of the Alabama claims was the most important arbitration in which the United States ever engaged, the most august and impressive ever held in the world, and the

[1] For arbitration of war claims, 1 Moore's Arbitrations, chap. 15.

[2] Ib. chap. 16. [3] Papers relating to Treaty of Washington, vol. 5.

most lasting in its influence on other nations. The treaty of 1871 created a tribunal composed of one American, one British, and three neutral members, the latter to be named, one each, by the King of Italy, the President of Switzerland, and the Emperor of Brazil; and the city of Geneva was fixed upon as the place where the tribunal should hold its sessions. The treaty prescribed for the tribunal three rules as to neutrality, which were made applicable to the case, together with such principles of international law as were not inconsistent with them. This was a new departure in international practice, and is believed to have largely contributed to the success of the American case.

These rules were as follows: "A neutral government is bound, first, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable grounds to believe is intended to cruise or carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted in whole or in part, within such jurisdiction, to warlike purposes; secondly, not to permit either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men; thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties."

In agreeing that in deciding the questions the arbitration might be bound by these rules, the British government stated that it did not assent to them as principles of international law in force when the claims arose. It was, however, stipulated that the two governments would observe them in the future, and would invite other maritime powers to accede to them. The last clause of the agreement was not carried out, Great Britain showing a reluctance to a submission of the rules to the powers,[1] influenced in part by disappointment over the award and by the construction put upon some clauses of the rules by the tribunal. The general consensus of opinion of publicists, with some dissent in England, is that they are a correct statement of existing international law.[2]

After the two governments had submitted their "cases" or statement of their claims and defense to the tribunal, and it became public that the United States had included in its demands what are known as national or indirect claims, it created intense excitement and indignation in Great Britain. Such claims, if allowed, would reach sums so enormous as to cause the bankruptcy of even the British treasury, and its government threatened not to proceed with the arbitration unless these claims were withdrawn. This the United States declined to do, maintaining that it had a right to have them passed upon by the tribunal. For a time

[1] S. Ex. Doc. No. 26, 45th Cong. 2d Sess.

[2] For British writers, 13 Ency. Britannica, 196, art. "International Law;" Maine's Int. Law, 216; other publicists, 6 Rev. de Droit Int. 561, 574, 575, 606; 7 Ib. 127, 427.

the arbitration seemed destined to prove a failure, but the neutral arbitrators, to save the situation, gave an intimation that they would rule out the indirect claims, and upon this indication the arbitration proceeded to a final conclusion. The decision was that as to certain vessels, including the Alabama, the Florida, and others, the British government had failed in its duty as a neutral power; but that as to certain other vessels it had not been negligent. An award in the lump sum of $15,500,000 was rendered in favor of the United States,[1] which was promptly paid into the United States treasury, and in due time distributed to the personal sufferers by the depredations of the cruisers.

There was for a time a feeling in England of disappointment and dissatisfaction with the result, but on both sides of the Atlantic general relief was experienced that a definite and peaceful settlement had been reached of a question which had occasioned deep resentment and threatened a long estrangement of the two kindred nations. The conduct of Great Britain in entering upon the arbitration was in the highest degree creditable to her. It was a serious act for a powerful and proud nation to insert in a treaty an expression of regret at events occurring in its own territory, which were the basis of the claims of the contending government, and it was an unusual proceeding to agree to rules which would almost necessarily result in her own condemnation. The United States having accepted this expression of regret, having entered upon the arbi-

[1] For full details of Geneva Arbitration Tribunal, 1 Moore's Int. Arbitrations, chap. 14; 4 Ib. chap. 68.

tration and received the fruits of the award, good faith requires that both the government and people of this country should regard the events in England during the Civil War which caused estrangement as fully atoned for and forever buried in the past.

There is an interesting incident in connection with the preliminary negotiations which led to the appointment of the Joint High Commission and the treaty of 1871. Sir John Rose, a member of the Canadian ministry, conducted the preliminary negotiations in conjunction with the British minister in Washington. Before a substantial agreement was reached, Secretary Fish, in a personal call upon Charles Sumner, chairman of the Senate Committee on Foreign Relations, informed him of the progress of the negotiations and of the proposed basis, and asked Senator Sumner's views on the subject. He sent his answer two days afterwards in the shape of a written memorandum.[1] In it he noted the idea of Sir John Rose, "that all questions and sources of irritation between England and the United States should be removed absolutely and forever, that we may be at peace really, and good neighbors," and said: "Nothing could be better than this initial idea. It should be the starting-point. The greatest trouble, if not peril . . . is the proximity of the British flag in Canada. Therefore, the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere, including provinces and islands."

[1] 1 Moore's Arbitrations, 525.

Such a proposition as "a condition or preliminary" to a settlement, emanating from the chairman of the Committee on Foreign Relations of the Senate, was to Secretary Fish most astounding and impossible. Years afterwards when both Sumner and Fish were dead, Mr. George F. Edmunds, for a long time a distinguished member of the Senate, referred to this proposition as "most astonishing and extravagant," the mere mention of which "would have put an end to all negotiations at once."[1] This incident, like that narrated of Mr. Seward at the beginning of his service as secretary,[2] illustrates how our greatest statesmen may sometimes blunder. Sumner's proposition was at the time most impracticable, but it was not without a basis of reason. He had been at the head of the Committee on Foreign Relations since the inauguration of Lincoln, and was probably the best informed of our public men as to foreign affairs. He was in intimate and confidential correspondence with the most intelligent of the friends of America in England, — men like Bright, Cobden, and the Duke of Argyll, — and knew thoroughly the spirit of the then ruling classes toward this country. He had witnessed with indignation the conduct of the Canadian authorities and their friendly offices to the Confederate emissaries. He, in common with many of the most far-sighted of our public men, as we have seen,[3] — Franklin, John Adams, Seward, and others, — believed that the greatest menace to our peace with Great Britain was in the maintenance of a colonial dependency on our northern border.

[1] Ib. 526. [2] Supra, p. 360. [3] Supra, pp. 74, 409.

Sumner, however, would probably not have made such a proposition in response to the request of the Secretary of State if his relations with the administration had been more friendly. He had led the opposition to the Johnson-Clarendon treaty, and was the conspicuous advocate of the national or indirect claims. He had recently opposed and defeated the San Domingo treaty, and had awakened the enmity of President Grant. Added to this, his warm personal friend, Mr. Motley, had been summarily removed from his post as minister to England, and this led him to break his long-standing friendship with Secretary Fish. It remained for him to experience still another cause of difference with the administration. When the next Congress reassembled, the party managers determined to displace him as chairman of the Committee on Foreign Relations, and the resolution was carried into effect. This action greatly embittered Mr. Sumner and his friends, led him to break with his party, and saddened the near-approaching end of his life, which had been a highly honorable and distinguished career in the anti-slavery cause and in championship of the Union throughout the Civil War.

The action of the party leaders has been severely criticised, but unjustly so. He had refused to speak to the Secretary of State, and a spirit of bitter enmity existed between him and the President. On whichsoever side the merits of the controversy lay, it was not proper that he should continue at the head of the committee which was required to hold confidential relations with the Executive Department of the government.

How deeply the matter was lamented in the Senate may be judged from an extract of a letter written to Mr. Sumner by Senator Oliver P. Morton of Indiana, a strong supporter of President Grant, and at the time the most influential member of the Senate. Replying to a friendly letter from Sumner, he says: "It refers to a controversy which will ever be my most disagreeable experience in the Senate, for it was a controversy among friends. I am, as I have been for years, your friend and admirer, and an earnest well-wisher for your continued health and happiness. In the course I took I believed I was doing right, and what was best for the country and party; and I give you credit for equal purity of purpose."[1]

Mr. John Lothrop Motley, the eminent historian and a most worthy and patriotic citizen, has the unique distinction in our diplomatic history of having been twice forced out of his post as minister by the Secretary of State. He was appointed by President Lincoln minister to Austria, in 1861, and continued in the useful discharge of his duties until the accession of President Johnson. After the latter put himself in antagonism to the party which elected him, an anonymous writer traveling in Europe sent a letter to Secretary Seward, reporting that Minister Lothrop was abusing the President and his policy, and speaking in disparaging terms of the Secretary of State. The President directed that an explanation be demanded from Mr. Motley, who, indignant that credence should be given to scurrilous reports impugning his conduct as minister, tendered his

[1] For defense of Sumner, 4 Pierce's Sumner, chap. 56.

resignation and returned home.[1] He was sent by President Grant as minister to London, in 1869, and initiated the renewal of negotiations after the rejection of the Johnson-Clarendon treaty. He failed at a most delicate point in the negotiations in conforming to the exact tenor of Secretary Fish's instructions. It is said that President Grant desired that he should be recalled at that time, but the minister's omission was passed over by Secretary Fish in a mild manner. After the negotiations were transferred to Washington, at the instance of the President, his resignation was requested. This he declined to give, because he felt that under the circumstances it would be an impeachment of his conduct, which he claimed merited no blame. He was thereupon recalled. This step coincided in time with Sumner's speech in opposition to the San Domingo annexation treaty, and it was charged that his dismissal from his post was intended as a punishment to Sumner. A long and bitter correspondence ensued between the displaced minister and the Secretary of State.[2]

The personal troubles of Mr. Fish were not to end with the recall of Mr. Motley and the quarrel with Sumner. Following within a few months upon the latter came a very disagreeable experience with the Russian minister, Mr. Catacazy. The first offense of the minister was in resisting a personal claim of an American citizen against Russia by methods at variance

[1] For correspondence, S. Ex. Doc. 1, 40th Cong. 1st Sess.; for defense of Motley, Holmes's Memoir of Motley, chap. 18.

[2] S. Ex. Doc. 11, 41st Cong. 3d Sess.; 1 Moore's Extraditions, 517–519. For defense, Holmes's Memoir of Motley, chap. 21.

with diplomatic practice. About the same time the negotiations were in progress through the British and American Joint High Commission for the settlement of the Alabama claims. He made free use of the newspapers in an attempt to prejudice and defeat the negotiations, and resorted to interviews and importunities with members of Congress, greatly embarrassing to them. He gave no heed to the warnings of the Secretary of State, and finally became personally abusive of the President and members of his Cabinet. When confronted with his acts he was guilty of prevarication and deliberate falsehood.

Mr. Fish directed our minister in St. Petersburg to inform the Russian government that Mr. Catacazy's official and personal conduct had for some time been such as to impair his usefulness and to render intercourse with him, for either business or social purposes, highly disagreeable; and that government was asked to recall him. Such a request is usually acted upon with promptness, but the present case was complicated by the fact that a visit to the United States of the Grand Duke Alexis had been arranged, and he was then ready to sail with the naval squadron which was to conduct him. There was no time in which to recall the minister and replace him with another representative before the arrival of the Grand Duke, and if the recall should be insisted upon, it was said the Grand Duke's visit would have to be abandoned. It was therefore arranged that Catacazy should remain till the visit was concluded, when he would be withdrawn, but he was notified by the Secretary of State that in accompanying the Grand

Duke in his visits to the President, the latter would hold no conversation with him (the minister). After the Grand Duke had left Washington, Mr. Catacazy wrote Mr. Fish that the Emperor had granted him a leave of absence, and that as soon as the Grand Duke had concluded his journeyings in the United States, he, the minister, would take advantage of his leave. Mr. Fish replied that such was not the agreement as to the manner in which his mission was to be terminated, and that, in view of "the continued and recurring acts of interference and impropriety on his part," his passports would be transmitted to him at an early day. The Grand Duke, however, soon thereafter took his departure, and Catacazy was allowed to leave the country without the intimated expulsion.[1]

The reader will recall the repeated instances I have narrated of public scandal occasioned by the misconduct of the diplomatic representatives of foreign governments accredited to this country.[2] This misconduct has embraced flagrant violations of international law and practice, intermeddling with domestic politics, and official and social improprieties of various kinds. If the case of Lord Sackville West, for intermeddling in the presidential campaign of 1888 is included,[3] there is a list of foreign diplomats dismissed by our government or recalled in disgrace, embracing three British ministers, one French, one Spanish, and one Russian minister. Much is said in disparagement of the American

[1] For official correspondence, S. Ex. Doc. 5, 42d Cong. 2d Sess.

[2] Supra, pp. 156, 217, 220, 347.

[3] H. Ex. Doc. 150, 50th Cong. 2d Sess.

diplomatic representatives abroad, and it is not to be disguised that under our system of appointments some unfit and uncultured persons have been found in the service, who have reflected little credit on the country; but in the past century of history under review no such record of dishonor can be compiled against American representatives as that made at the seat of government of the United States by the representatives of the most polished nations of the old world.

Reference has already been made to the attitude assumed by Mr. Webster in 1842 and by succeeding secretaries of state, respecting the control of the Hawaiian Islands by any European power. The position assumed was in effect a virtual protectorate on the part of the United States. While Mr. Marcy was secretary, an effort was made to bring about the annexation of the islands to the United States, but the movement was frustrated by the death of the king of the islands. Secretary Fish, in discussing annexation, said it was clear that we could not consent to the transfer of the islands to any powerful maritime or commercial nation. "Such transfer," he said, "would threaten a military surveillance in the Pacific, similar to that which Bermuda has afforded in the Atlantic. The latter has been submitted to from necessity, inasmuch as it was congenital with our government, but we desire no additional similar outposts in the hands of those who may at some future time use them to our disadvantage."[1]

Soon after the Civil War a commercial reciprocity treaty with Hawaii was advocated, one of the strongest

[1] 1 Wharton's Int. Dig. 423.

motives for its celebration being a desire to bind these islands more strongly to our country. In 1875 such a treaty was negotiated by Secretary Fish, and it was renewed and continued in existence until the final consumation of annexation in 1898.

Another step in the extension of American influence into the Pacific Ocean was taken in 1872, when Commander Meade of the United States navy negotiated with the chief of Tutuila, one of the Samoan group, a commercial agreement, with provision for the use of the port of Pago-Pago as a naval station. This agreement took the shape of a formal treaty in 1878, and that brought about the tripartite government by the United States, Great Britain, and Germany of the whole of the Samoan group. From the latter we were happily released in 1899, and continue only in possession of Tutuila, with its commodious harbor and naval station at Pago-Pago.

Mr. Fish, while not a man of exceptional talent, was one of the most useful secretaries who ever administered the affairs of the Department of State. He possessed a well-trained mind, was methodical, painstaking, and industrious, actuated by a high sense of honor and a conscientious devotion to the duties of his office, conservative but thoroughly American in his decision of questions, and prompt in the dispatch of business. He was possessed of an independent fortune, was a refined and courtly gentleman, and dispensed the hospitalities of his position with such good taste as to earn the encomiums of both the diplomatic corps and his own countrymen.

This review of our diplomatic history has now reached the memory of the younger generation of to-day, and may properly be brought to a close, as the events following this period cease to be history, and are, in a certain sense, a part of the current affairs of the day. The century, since 1776, has been active in moulding the code of international law, and this review has shown what an important part of that work has been wrought by the nation which had its birth in that year. The chief actors in the work done by the United States of America have been the secretaries of state and its diplomatic representatives abroad. It has been seen that our foreign relations have been usually in the hands of the ablest men whom our country has produced. But they have had worthy coadjutors in giving shape and permanence to this international code. The exposition of the law of nations, as set forth in the decisions of the Supreme Court of the United States, has had a great influence in moulding that law, and its opinions are recognized as of the highest authority by foreign publicists. Among authors in this department of law none carry greater weight throughout the world than Story, Kent, Wheaton, Halleck, Woolsey, Wharton, and other American writers. When we recall the services of these diplomatic, judicial, and scholastic representatives of the United States, it is no vain boast to say that no body of men in any country have exercised a more salutary influence on the affairs of the globe, or done as much to improve and enlarge the principles of international law.

CHAPTER XII

THE MONROE DOCTRINE

The Monroe Doctrine, popularly so-called, is universally recognized by Americans as a wise policy for our government; but when an attempt is made either to accurately define it or put it in practice, it usually gives rise to discussion and to wide divergence of views on the part of political writers and public men. I can hardly flatter myself that what I shall write on the subject will have any effect in bringing about a consensus of opinion, but as it is embraced in the topics which we are considering, I shall attempt to pass in review the origin of the doctrine and the history of its application or practice, in the hope that I may throw some light on this much debated and important question.

Three declarations are cited in the history of our country, which are devoid of the character or authority of public law, either national or international, and yet which have exercised the most potent influence on our destiny as a nation, and have mightily controlled the conduct of many other nations of the earth. I refer to the Declaration of Independence, the portion of Washington's Farewell Address respecting our foreign relations, and the Monroe Doctrine. All of these may

fairly be said to have an intimate relation to each other, and successively to have been the outgrowth the one of the other.

After the Colonies had published to the world the declaration of their independence, maintained it by force of arms, and permanently established it by the adoption of the Constitution, the character of our political system and principles and our geographic position pointed unmistakably to the policy of non-intervention in the affairs of Europe, so wisely set forth by Washington in his Farewell Address. I give only a brief extract therefrom: "Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. . . . Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard giving us provocation."[1]

We have here not only the announcement of a policy of non-intervention in European affairs, but a plain intimation that the time was not far distant when we would be able to warn European nations against intervention in American affairs. And as each succeeding

[1] 1 Richardson's Messages, 222.

year increased our prosperity and developed our strength as a nation, the sentiment grew and crystallized into the conviction with our public men that the American hemisphere must be reserved for its own inhabitants. When the Spanish colonies began to revolt against foreign domination, our hearty sympathy with their cause did not arise alone from their proclamation of republican principles, but from our earnest desire to see all European control and influence driven from America. Even before this revolt came, when the dissensions in the Peninsula indicated the coming dissolution of the widespread Spanish empire, and the danger of some of its colonies falling into the hands of other European powers, Mr. Jefferson, our most astute politician and one of our wisest statesmen, wrote in 1808, while president, to the governor of the Territory of Orleans, as follows: "We shall be satisfied to see Cuba and Mexico remain in their present dependence; but very unwilling to see them in that of either France or England, politically or commercially. We consider their interests and ours as the same, and the object of both must be to exclude all European influence from this hemisphere."[1]

In 1820, when the independence of a number of the Spanish-American colonies had been substantially gained, Mr. Jefferson, then in private life, wrote of a Portuguese minister in Washington about going to Brazil: "From conversations with him, I hope he sees, and will promote in his new situation, the advantages of a cordial fraternization among all the American

[1] 9 Writings of Jefferson, 213.

nations, and the importance of their coalescing in an American system of policy totally independent of and unconnected with that of Europe."[1]

In these expressions of opinion, Jefferson was only a little in advance of the then crystallizing public sentiment, and with his superior foresight he was earlier able to formulate a comprehensive policy. The successive presidents after Washington had adhered closely in practice to his announced principle of non-intervention in European affairs; and out of that practice, coupled with the growth of the nation and the independence of the other American colonies, was naturally germinated the doctrine which, when circumstances made its promulgation necessary, was embodied in the annual message of President Monroe of December 2, 1823. Mr. Jefferson pronounced it the most momentous event since the independence.

The circumstances which brought about its announcement grew out of the French Revolution and the wars and military rule of Napoleon. The fear of the recurrence of such convulsions led to the organization of the so-called Holy Alliance,[2] effected by the emperors of Russia and Austria and the king of Prussia in 1815. The ostensible object of the alliance was the subordination of politics to the Christian religion, but its purpose was known to be hostile to the rights of the people and to the freedom of nations. France was soon afterwards

[1] 7 Jefferson's Works (1854), 168.

[2] Mr. Clay said it was so named because its avowed purpose was "to maintain as a Christian doctrine the sovereign rights of legitimacy, that softer word for despotism."

admitted to the alliance. Various congresses or conferences were held up to 1822, in some of which Great Britain participated, but that government was at no time a party to the alliance.

One of its earliest acts was to restore Ferdinand VII. to his throne. In execution of the determination of the Holy Alliance a large French army entered Spain, and replaced the king upon his throne, contrary to the wishes of the great mass of the Spanish people. It was understood that the next step of the alliance would be to aid Ferdinand in reëstablishing his authority over the Spanish colonies in America, which had revolted and set up independent governments. With their successful revolt the old colonial system of exclusive trade with the mother county had been broken down, and England was thereby reaping great benefit to its commerce. It was therefore greatly to her interest to maintain the present status of affairs.

In order to deter the Holy Alliance from carrying out their scheme in America, the British Minister of Foreign Affairs, Mr. George Canning, approached the American minister in London, Mr. Rush, with the proposal that the two governments should unite in a declaration, in which were the following clauses: "Fourth. We aim not at the possession of any portion of these [the colonies of Spain] ourselves. Fifth. We could not see any portion of them transferred to any other power with indifference."

Mr. Rush agreed to unite in the declaration on condition that Great Britain would recognize the independence of the colonies. This, however, Mr. Canning

declined to do, fearing such an act would bring his government into conflict with the alliance, and the proposal for joint action was not further pressed. But Mr. Rush communicated the facts to the Secretary of State, John Quincy Adams, and by him they were laid before President Monroe, and the question became the subject of cabinet conference.

Mr. Rush's correspondence was also submitted by the President to Jefferson and Madison, and their views solicited. Mr. Jefferson expressed in hearty terms his approval of the proposed declaration in a letter of some length, from which I make the following extracts: "Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe. Our second never to suffer Europe to intermeddle with cis-Atlantic affairs." He advised the President to declare, respecting the Spanish colonies, "That we will oppose with all our means the forcible interposition of any power, as auxiliary, stipendiary, or under any other form or pretext, and more especially their transfer to any power by conquest, cession, or acquisition in any other way."[1] Mr. Madison's advice was also in favor of the declaration, but expressed in more reserved language.[2]

An independent declaration by the United States was determined upon, and it was accordingly inserted in the annual message to Congress of December 2, 1823. It was doubtless drafted by Mr. Adams,[3] but there is reason to believe it was somewhat modified by his more temperate and conservative chief.[4] It consists

[1] 10 Writings of Jefferson, 277.
[2] 12 Memoirs of J. Q. Adams, 218.
[3] 3 Writings of Madison, 339.
[4] 4 Calhoun's Works, 461.

of two parts widely separated in the message, and referring to matters having no direct connection with each other. The first is as follows: "The occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power."[1]

The foregoing declaration followed a statement of the negotiations then pending with Russia, growing out of the imperial ukase of 1821, setting up claims to sovereignty in America which were being contested by the United States. These claims, as we have seen,[2] were adjusted by treaty in 1824.

The second part of the declaration is preceded in the message by a reference to the disturbed condition of Spain and the forcible intervention therein of the allied powers; it then says: "We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers [the allied powers of Europe], to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great considera-

[1] 2 Richardson's Messages, 209. [2] Supra, p. 265.

tion and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. . . . Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."[1]

While the events which brought about the two declarations of this message had no direct connection with each other, they do have an intimate relation in that they both look to the exclusion of European influence from this hemisphere. The first declares against future European colonization; the second, against the

[1] 2 Richardson's Messages, 218, 219.

extension of the political system of the Holy Alliance to this hemisphere, and against the intervention of any European power in the affairs of the Spanish-American states, for the purpose of oppressing them, or in any other manner controlling their destiny. The first declaration has long ago accomplished its purpose with the occupation of all the territory of the two continents by sovereign and civilized states or their dependencies, and it has ceased to have any further application.

But the second declaration embodies a living principle to be applied whenever circumstances make it necessary. The cause which gave rise to its promulgation in 1823, the Holy Alliance, has long since ceased to exist; but the principle which is the basis of the Monroe Doctrine is as vital to-day as at any time in the past. That principle is the right and duty of self-defense. It was upon the ground that we regarded it "as dangerous to our peace and safety," that President Monroe warned the Holy Alliance against interference with the independence of the Spanish-American republics which we had recognized. It was because of "our peace and safety" we could not view without concern "any interposition [by European nations] for the purpose of oppressing them [these republics] or controlling in any other manner their destiny." While we had been the first among the nations to recognize the independence of these struggling republics, President Monroe was not controlled in making his declaration by a determination to reserve this hemisphere for republican government, much as our people rejoiced in its success, for he himself recognized the empire of Iturbide in

Mexico and that of Brazil. It was because of the conviction that "our peace and safety" required that European influence and dominion should not be further extended on these continents. "It is impossible," said President Monroe in further expression of his declaration, "that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness." And in his annual message the next year (1824)[1] he repeats: "It is impossible for the European governments to interfere in their concerns [the other American states] . . . without affecting us." While the declaration is very broad in its application, it is very precise and restricted as to its cause. It is America for the Americans, because otherwise "the peace and safety" of the United States would be endangered.

President Monroe might have communicated this declaration to the allied powers in the usual diplomatic form, through the Department of State, to our ministers at the various European capitals, but he wisely adopted the form of its promulgation in his annual message to Congress. It thus became a notice, not to the Holy Alliance only, but to the whole world, of the policy of the United States.

Few, if any, official utterances of the century have had such general and lasting influence. When the message was published in London it received universal commendation. Said one of the journals: "We shall hear no more of a congress to settle the fate of the South American States;" another: "It is worthy the

[1] Ib. 260.

occasion and of the people destined to occupy so large a space in the future history of the world." Mr. Canning's biographer, in recording the effect of its publication in Europe, says that, coupled with the refusal of England to take part in the proposed congress to discuss Spanish-American affairs, it effectually put an end to the project. Mr. Brougham, the English statesman, said: "The question with regard to South America is now disposed of, or nearly so, for an event has recently happened than which no event has dispensed greater joy, exultation, and gratitude over all the freemen of Europe; that event, which is decisive on the subject in respect of South America, is the message of the President of the United States to Congress." It is further reported that "the South American deputies in London were wild with joy, and South American securities of every sort rose in value."

The manner in which it was received in the United States was described by Mr. Webster, in a speech delivered in the Senate three years later, as follows: "It met, sir, with the entire concurrence and hearty approbation of the country. One general glow of exultation, one universal feeling of gratified love of liberty, one conscious and proud perception of the consideration which our country possessed, and of the respect and honor which belonged to it, pervaded all bosoms."[1]

An undue share of credit has been assigned to Mr. Canning for the promulgation of the Monroe Doctrine, and to him has even been ascribed the origin or first suggestion of the idea. But it has been seen that fif-

[1] 3 Webster's Works, 178.

teen years before, President Jefferson had set forth the policy in much broader terms than those contained in Canning's proposal to Rush. The published diplomatic correspondence shows that Secretary Adams was fully informed as to the designs of the Holy Alliance, and that six months before that proposal was broached he had given instructions to our minister in Spain to make known at the proper time that our government would oppose any forcible intervention in American affairs or the transfer of any of the Spanish possessions to other European powers. Canning's proposal went no further than a protest against the transfer of any of the colonies to other powers, which was much narrower than Monroe's message; and the correspondence makes it plain that Great Britain was wholly influenced by a desire to retain and enlarge its trade and by its jealousy of France.

We have seen that Mr. Rush offered to join with England in the desired protest, if she would recognize the independence of the revolted Spanish colonies, but this Mr. Canning declined to do, and the joint declaration was abandoned. Mr. Rush, in a dispatch to Secretary Adams, says: "It appears that having ends of her own in view, she (England) has been anxious to facilitate their accomplishment by invoking my offices as the minister of the United States; but as to the independence of the new states of America, for their own benefit, this seems quite another question in her diplomacy. It is France that must not be aggrandized, not South America that must be made free. . . . I have forborne to give it gratuitous succor. . . . This nation in its

collective corporate capacity has no more sympathy with popular rights and freedom now than it had on the plains of Lexington."

Secretary Adams, in recording in his faithful diary the conferences on the Canning proposal of joint action, states that it was decided to decline the overture of Great Britain, and, with his intense Americanism, adds: "It would be more candid, as well as more dignified, to avow our principles explicitly to Russia and France, than to come in as a cock-boat in the wake of the British man-of-war." It must be admitted that Mr. Canning's proposal did bring the subject directly to the attention of our government and had a decided influence on the action taken at that time, but he did not originate the idea. On the contrary, it was the natural outgrowth of our independence and of the policy announced in Washington's address; it had been distinctly and broadly formulated by a president fifteen years before; and had been communicated six months before to our minister in Spain for his action. In view of these facts, of the recognition by the United States of the independence of the Spanish-American states, of his refusal to make the same recognition when proposed by Mr. Rush, and of his known hostility to republican institutions, Mr. Canning was hardly justified in the boast which he uttered in Parliament a few years later: "I called the New World into existence, to redress the balance of the Old."[1]

Though the Holy Alliance abandoned its imperfectly formed purpose of interference in the affairs of the

[1] 16 Hansard's Debates, 397.

western hemisphere, it was not long before the United States had occasion to apply the Monroe Doctrine in practice. In 1825 there seemed danger that Spain might be induced to transfer Cuba to either France or England. Mr. Clay, as Secretary of State, directed our ministers to make known to those governments that we could not consent that that island should pass from Spain to any other European power.[1]

The next occasion when the Monroe Doctrine was brought into public discussion was on the assembling of what is known as the Panama Congress. This movement grew out of the project of the South American liberator, Bolivar, to unite the American nations and organize an allied army and navy in order to resist the threatened encroachments of the Holy Alliance, and to secure the freedom and independence of the remaining Spanish-American colonies. Mr. Clay, Secretary of State under President Adams, was approached in 1825, by the ministers of Mexico and Colombia in Washington to know if the United States would be represented at the proposed congress, if invited. Mr. Clay asked for a specific statement of the measures to be considered at the congress, and this was furnished in separate notes of the two ministers stating the subjects for consideration, and extending a formal invitation to the United States to send representatives. The minister of Central America likewise sent a similar note.[2]

From these notes it appeared that an armed alliance for the purposes indicated was contemplated, but it was

[1] 1 Wharton's Int. Dig. 367, 368.

[2] 5 Foreign Relations (folio ed.), 836, 839.

stated that the United States need not participate in the consideration of that measure. The United States, however, would be asked to unite in a declaration against European interference in American affairs; also to consider measures for the suppression of the slave trade, and to recognize and determine the status of the negro republic of Hayti. Mr. Clay, in reply, accepted the invitation, but with a careful reservation as to the part which the United States representatives should take in the congress.[1] This was followed by a special message from President Adams to the Senate, March 21, 1826, nominating two plenipotentiaries to the congress and discussing the occasion for and objects to be attained by the assembly, and transmitting the correspondence on the subject.[2]

The message awakened a most animated and protracted debate. The Committee on Foreign Relations reported against the confirmation of the plenipotentiaries, with an exhaustive review of the questions involved;[3] but the Senate finally confirmed the nominations. The President then sent a message to the House of Representatives, asking for an appropriation to meet the expenses of the mission, but not content with making the request, he entered upon an extended statement,[4] which evoked a renewed discussion in that body. The appropriation was voted by a narrow majority,[5] and the plenipotentiaries were sent on their mission; but owing to the delay in their appointment, the congress had adjourned before they reached Panama, and never again reassembled.

[1] 5 For. Rel. 837. [2] Ib. 834. [3] Ib. 857.
[4] Ib. 882. [5] 4 Stat at Large, 158.

The debates in Congress were of a most acrimonious character,[1] and were conducted upon domestic party lines,[2] the opponents of the administration almost unanimously voting against the mission. The two strong points of opposition were, first, the objection to an alliance, especially an armed one, with any other nations; and, second, the recognition of the negro republic of Hayti, which opened up the slavery question. A feature of the debate was that Messrs. Polk and Buchanan, who afterwards as presidents were ardent advocates of the Monroe Doctrine, opposed the mission. Daniel Webster made one of his most notable speeches in favor of the mission and in eulogy of President Monroe's declaration.[3]

During the debate, a resolution was introduced in the House by James Buchanan, and passed by that body, as follows: "In the opinion of the House . . . the United States . . . ought not to form any alliance . . . with all or any of the South American republics; nor ought they to become parties with them . . . to any joint declaration for the purpose of preventing the interference of any of the European powers with their independence or form of government, or to any compact for the purpose of preventing colonization upon the continents of America, but that the people of the United States should be left free to act, in any crisis,

[1] It was in this debate that John Randolph made his assault on Mr. Clay which resulted in the duel between them; see supra, p. 269.

[2] 1 Curtis's Buchanan, 63, 64.

[3] 3 Webster's Works, 203. For official papers, 5 For. Rel. 834–920. For debates, 8 Benton's Abridg. of Debates for Senate, 417–472, 637–675; 9 Ib. for House, 48–50, 62–76, 90–218.

in such manner as their feelings of friendship towards these republics or as their own honor and policy may at the time dictate."

It has been contended that this action was a disavowal of the Monroe Doctrine, but it was far from it. The occasion called for a more precise statement of the course to be pursued by the United States, and this statement, as contained in the House resolution, was the logical result of the principle of self-defense which underlies the declaration in President Monroe's message. The declaration was made because of a threatened movement "dangerous to *our* peace and safety," — to the peace and safety of the United States, not of others. It would, therefore, be unwise for us to enter into any alliance or compact which would intrust to other powers the decision, in whole or in part, of the question what was dangerous to *our* peace and safety. We must reserve to ourselves exclusively the decision of that momentous question, and it would be the part of wisdom to withhold the decision of that question till the crisis should arise. Hence the House resolution of 1826, so far from being a disavowal of the doctrine, is an affirmation of its true spirit and intent. Happily the United States, since the declaration of President Monroe, has increased sevenfold in power and influence, and does not need to seek an alliance with its neighbors to enforce the doctrine of non-interference against European domination. But at the same time it encourages and welcomes the adoption of the doctrine by our sister republics.

The next occasion when the Monroe Doctrine was

sought to be applied was in 1848, when President Polk in a special message brought to the attention of Congress the fact that the white population of Yucatan (a state of Mexico) had called upon the United States for help against the Indians, who were waging against them a war of extermination; offering, if aid should be granted, to transfer the "dominion and sovereignty" to the United States, and stating that similar appeals had been made to England and Spain.[1] President Polk disavowed any policy of acquisition, but stated that there was danger, unless the United States intervened, of the peninsula falling into the hands of a European power, which he regarded as dangerous to our peace and security.

Following the message a bill was introduced in the Senate authorizing the temporary military occupation of Yucatan, and this resulted in a debate, the most notable feature of which was a speech from Mr. Calhoun, who was then the only surviving member of the Cabinet of President Monroe, Mr. J. Q. Adams having died only a few months before.[2] In this speech, Mr. Calhoun sought to weaken the force of the Monroe Doctrine, and he stated that President Monroe did not contemplate the use of force when he made his declaration. His views and memory are in contradiction to those of Mr. J. Q. Adams, also a member of Monroe's Cabinet. In a conversation with Mr. Bancroft, a member of Mr. Polk's Cabinet in 1845, he supported the latter's attitude as to the Oregon boundary, and in indorsing the

[1] 4 Richardson's Messages, 581.

[2] 4 Calhoun's Works, 461.

Monroe Doctrine, said "he believed it indispensably necessary to make large expenditures for preparation by sea and land, to maintain it, if necessary, by force of arms."[1] Mr. Calhoun was, however, correct in asserting that the situation in Yucatan afforded no proper occasion to invoke the doctrine. We were then just closing the war with Mexico, and the helpless condition of the white population of Yucatan mainly grew out of the disorder attending that contest. There was no indication that any European power was contemplating the occupation of the peninsula. With the peace came a restoration of order and safety, and the subject was dropped in the Senate.

Soon after came the negotiation of the Clayton-Bulwer treaty of 1850. It had two objects in view: first, the promotion of the construction of an inter-oceanic canal across the isthmus of Central America; and, second, the restriction of British territorial dominion in the same quarter. With the acquisition of California, the interest of the people of the United States was greatly increased in the construction of the canal, and it was felt that the capital for its construction must come from England. On the other hand, the British influence on the isthmus was very active at that time. The Belize settlement was growing into a colony and a British protectorate was sought to be extended over the Mosquito coast, covering the eastern outlet of the Nicaragua canal route.

Mr. Clayton, then Secretary of State, entered into negotiations with the British minister, the result of

[1] 12 Memoirs of J. Q. Adams, 218.

which was the treaty by which the two governments stipulated for a joint guarantee of the canal to be constructed; and agreed not to occupy, fortify, colonize, or assume or exercise any dominion over any part of Central America. The treaty was ratified without much discussion, in the belief that it would insure at once the construction of the canal and would exclude British colonization and protectorates from Central America; but it was no sooner published than it began to be a source of dispute as to its scope and meaning. Secretary Blaine, in 1881, described it as "misunderstandingly entered into, imperfectly comprehended, contradictorily interpreted, and mutually vexatious." President Buchanan said in 1857, that if in the United States the treaty had been considered susceptible of the construction put upon it by Great Britain, it never would have been negotiated, nor would it have received the approbation of the Senate. Mr. Cass, who was a member of the Senate at the time it was ratified, has made a similar declaration.

The American expectation as to the early construction of the canal, with the aid of British capital, was disappointed; and for the next ten years our secretaries of state were occupied in bringing the British government to an observance of its engagements respecting the colonization and protectorates. The treaty marks the most serious mistake in our diplomatic history, and is the single instance, since its announcement in 1823, of a tacit disavowal or disregard of the Monroe Doctrine, by the admission of Great Britain to an equal participation in the protection and control of a great Ameri-

can enterprise.[1] The wisdom of that doctrine is most signally illustrated in the effects of this single disavowal, the heated discussion engendered, and the embarrassments which the treaty has brought to this government, and from which it still suffers.[2]

Mention has been made of the notice which Secretary Clay caused to be given to France and Great Britain that we could not consent to the transfer of Cuba to any other European power. This position was, as we have seen, announced by President Jefferson as early as 1808, and it has been repeated by almost every administration from that day to this. The basis of this position is the Monroe Doctrine, and it has had the unanimous support of all our public men, although there have been times in our history when the attitude of our government towards Cuba has not been free from criticism. Similar declarations have been made respecting San Domingo, when apparently threatened by European aggression or transfer. President Grant, in his annual message of 1870, in discussing the Spanish misrule in Cuba, and the relation of the other American nations to the Monroe Doctrine, used this

[1] "This treaty [Clayton-Bulwer] is the only instance in which the United States has consented to join with any European power in the management of political interests in the western hemisphere; and the treaty is remarkable, not only because it is a departure from the settled policy of the United States not to sanction any European interference in the affairs of America, but because, deviating in this way from our settled system, it undertakes, in concert with a foreign power, to determine a question the most important to the United States that can arise outside of our own territory." Dr. Francis Wharton, 1 Wharton's Int. Dig. 168.

[2] For history of the discussion and citation of authorities, 1 Wharton's Int. Dig. sect. 150 f.

language: "The time is not probably far distant when, in the natural course of events, the European political connection with this continent will cease."[1] In a report accompanying this message, Secretary Fish said the policy announced by Monroe "looks hopefully to the time, when, by the voluntary departure of European governments from this continent and the adjacent islands, America shall be wholly American."[2]

I have already referred to the condition of anarchy existing in Mexico during the administration of President Buchanan and his action respecting it.[3] It was apparent that the disorganized condition of affairs would lead to foreign intervention for redress of grievances, and in anticipation of this Secretary Cass instructed Mr. McLane, minister to Mexico, that "while we do not deny the right of any other power to carry on hostile operations against Mexico, for the redress of its grievances, we firmly object to its holding possession of any part of that country, or endeavoring by force to control its political destiny. This opposition to foreign interference is known to France, England, and Spain, as well as the determination of the United States to resist any such attempt by all means in their power."[4] And President Buchanan in his annual message of December, 1860, recalling his previous recommendation for authority to intervene to restore order in Mexico, said that in that way we would be "relieved from the obligation of resisting even by force, should this become necessary, any attempt by the European

[1] 7 Richardson's Messages, 99.

[2] 1 Wharton's Int. Dig. 293.

[3] Supra, p. 355.

[4] 1 Wharton's Int. Dig. 300.

governments to deprive our neighboring republic of portions of her territory, a duty from which we could not shrink without abandoning the traditional and established policy of the American people."[1]

I have narrated the events which transpired during our Civil War and at its conclusion respecting the tripartite intervention of England, Spain, and France; the withdrawal of England and Spain; the continued occupation of Mexico by French troops; the attempt to overthrow republican institutions; and the final withdrawal of the French, upon notice from our government to the Emperor Napoleon that our friendly relations "would be brought into imminent jeopardy unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico." This is properly held to be an instance of the operation of the Monroe Doctrine. It is true that Secretary Seward did not evoke the doctrine in name, but its principles were clearly and explicitly set forth by him in his correspondence when the tripartite intervention occurred, reiterated at various times during the Civil War, and at its close steps were taken to compel its observance by military force. The army of the United States would undoubtedly have been used to expel the French troops, and restore the republican government to power, if peaceful means had not made such a step unnecessary.

In 1866, Spain was engaged in hostilities with the republics of Ecuador, Peru, and Chile. Respecting this conflict, Secretary Seward wrote our minister in

[1] 5 Richardson's Messages, 646.

Chile: "The government of the United States will maintain and insist, with all the decision and energy which are compatible with our existing neutrality, that the republican system which is accepted by any one of those states shall not be wantonly assailed, and that it shall not be subverted as an end of a lawful war by European powers;"[1] but, he added, the United States will not "consider itself bound to take part in wars in which a South American republic may enter with a European sovereign, when the object of the latter is not the establishment, in place of a subverted republic, of a monarchy under a European prince."

The Monroe Doctrine has had an enlargement in recent years, growing out of the interest of our country in and the relation of our government to an interoceanic canal across the isthmus. In 1880, the De Lesseps project for a canal across the isthmus at Panama took definite shape. This was an enterprise at the head of which was a celebrated French engineer, the company for its direction was a French corporation, the funds for its construction were almost exclusively raised in France, and it was supposed that in some form it would have the favor, if not protection, of the French government.

These facts created a widespread interest in the United States, and President Hayes felt it necessary to make a public announcement of the policy of this government towards the new enterprise, which he did in a special message to the Senate on March 8, 1880,[2] from

[1] Dip. Cor. 1866, part 2, p. 413.

[2] For message and documents, S. Ex. Doc. No. 112, 46th Cong. 2d Sess.

which I make the following extracts: "The policy of this country is a canal under American control. The United States cannot consent to the surrender of this control to any European power, or to any combination of European powers. . . . The capital invested by corporations or citizens of other countries in such an enterprise must, in a great degree, look for protection to one or more of the great powers of the world. No European power can intervene for such protection without adopting measures on this continent which the United States would deem wholly inadmissible. . . . It [the canal] will be the great ocean thoroughfare between our Atlantic and our Pacific shores, and virtually a part of the coast line of the United States. Our merely commercial interest in it is greater than that of all other countries, while its relation to our power and prosperity as a nation, to our means of defense, our unity, peace, and safety are matters of paramount concern to the people of the United States. No other great power would, under similar circumstances, fail to assert a rightful control over a work so closely and vitally affecting its interest and welfare."

This message was accompanied by a historical review of the official correspondence on the subject of an isthmus canal, by Mr. Evarts, Secretary of State, at the conclusion of which he says: "The paramount interest of the United States in these projects of interoceanic communication across the American isthmus has seemed quite as indisputable to the European powers as to the states of this continent. . . . The question involved presents itself distinctly to this government

as a territorial one, in the administration of which, as such, it must exercise a potential control." [1]

This public announcement was followed up by an inquiry of the French minister in Washington, on the part of Secretary Evarts, as to the relation which the French government proposed to assume toward the De Lesseps enterprise. The answer was that "the French cabinet had from the outset expressed its firm purpose to allow the character of the enterprise inaugurated by M. De Lesseps to remain an essentially private one. . . . The French government is in no way concerned in the enterprise, and in no way proposes to interfere therein, or to give it any support, either direct or indirect." [2]

President Garfield, in his inaugural address in 1881, reaffirmed the position of President Hayes to the effect that it is "the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus . . . as will protect our national interests." [3] Soon after the new administration was installed, the report was published that Colombia had approached the European powers with a view to securing their joint guarantee of the proposed De Lesseps canal at Panama. Thereupon the Secretary of State, Mr. Blaine, sent a circular instruction to the American ministers in Europe, June 24, 1881,[4] in which he referred to the terms of the treaty of 1846 with Colombia,[5] by which the United States

[1] Ib. 18,

[2] Dip. Cor. 1880, p. 385.

[3] 8 Richardson's Messages, 11.

[4] Dip. Cor. 1881, p. 537.

[5] Supra, p. 324.

had guaranteed the perfect neutrality of the isthmus transit, and he instructed our ministers to give notice "that any movement in the sense of supplementing the guarantee contained therein would necessarily be regarded by this government as an uncalled for intrusion into a field where the local and general interests of the United States of America should be considered before those of any other power save those of Colombia alone."

But the secretary did not confine his instructions to the terms of the Colombian treaty, but made it apply to the general subject of the isthmus transit. He said that "the President deemed it due to frankness to be still more explicit," and he proceeded to say: "It is, as regards the political control of such a canal, as distinguished from its merely administrative or commercial regulation, that the President feels called upon to speak with directness and with emphasis. During any war to which the United States of America or Colombia might be a party, the passage of armed vessels of a hostile nation through the canal at Panama would be no more admissible than would the passage of the armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia. And the United States will insist upon her right to take all needful precautions against the possibility of the isthmus transit being in any event used offensively against her interests upon the land or upon the sea." He reiterates the statement of President Hayes that the isthmus canal will form a part of our coast line, "and be as truly a channel of communi-

cation between the Eastern and far Western States as our own transcontinental railways." The agreement between European states for a joint guarantee of the proposed canal, he repeats, "would be regarded as an indication of an unfriendly feeling," and "viewed by this government with the gravest concern;" and he closes with the statement that his circular is not the development of a new policy, but is, in effect, merely the pronounced adherence to the Monroe Doctrine.

This circular was followed a few months later by a proposition from Secretary Blaine to the British government, for an amendment of the Clayton-Bulwer treaty, so as to make it conform to the principles set forth in the circular.[1] The British government, in reply, declined to agree to the amendments to the treaty proposed by Mr. Blaine, and set forth the reasons for its action at considerable length. The correspondence was continued by Secretary Frelinghuysen,[2] successor to Mr. Blaine, who held that the treaty was voidable, at the option of the United States, because of its violation by Great Britain, and he concluded with the statement that the President's views remained unshaken, that the only protectorate required of the canal was that of the United States and the country through which the canal should run, and that a protectorate by European nations would be in conflict with the Monroe Doctrine, which is cherished by the American people, and has been approved by the government of Great Britain.

[1] Dip. Cor. 1881, p. 554.

[2] S. Ex. Doc. No. 194, 47th Cong. 1st Sess. and S. Ex. Doc. No. 26, 48th Cong. 1st Sess.

A treaty was negotiated in 1884 with the government of Nicaragua for the construction of the canal by the government of the United States, with an engagement to guarantee the integrity of the territory of Nicaragua.[1] This treaty was pending in the Senate at the accession of President Cleveland, and was withdrawn by him without action, his views upon the subject not agreeing with those of his predecessor.[2]

In 1893–94 an incident occurred which has a certain relation to the question under consideration. A revolt broke out against the newly established republican government of Brazil, and a large part of the Brazilian navy, with the admiral at its head, pronounced in favor of the restoration of the empire. A strong detachment of the United States navy was dispatched to Rio Janeiro, the chief scene of the conflict, with instructions to preserve a strict neutrality between the contending parties. The American admiral found the commanders of the European squadrons in the harbor in sympathy with the imperialists, and unwilling to do anything that would discourage them. When an attempt was made by the revolutionists to embarrass foreign commerce and establish a blockade, the only foreign naval commander to be found to oppose these measures was the American admiral, who, upon a notice from the revolutionists of disapproval of his conduct, gave orders to clear for action and forced the imperialist admiral to desist from his purpose. This determined

[1] For copy of treaty, Senate Report, No. 1265, 55th Cong. 2d Sess. p. 20.

[2] 8 Richardson's Messages, 377.

action had a material influence in bringing about the failure of the attempt to reëstablish monarchical government in South America.[1]

We come now to the last and most recent assertion in our history of the Monroe Doctrine, the interposition of President Cleveland in the controversy between Great Britain and Venezuela, growing out of the boundary question of British Guiana. This controversy has been in existence for more than half a century, and involved the large extent of territory between the Essequibo and Orinoco rivers. During this period the British government had from time to time enlarged its claims, and was steadily encroaching upon territory claimed by Venezuela and over which that government had exercised jurisdiction. Not being able to bring the British government to any agreement as to a divisory line, Venezuela proposed arbitration of the question, and invoked the good offices of the United States to that end. For fifteen years our government sought in a disinterested way to induce Great Britain to accept the invitation of Venezuela, but with no definite result; and finally the latter, angered by the continued encroachments of the British, broke off diplomatic relations. At that time the British had occupied a point at the mouth of the Orinoco, from whence it was possible to dominate the vast interior of South America drained by that river. Our ministers in London, under successive administrations, pressed the subject of arbitration upon Great Britain, but the latter adhered to an arbitrary line drawn by its own officials, and refused

[1] For official reports, Dip. Cor. 1893, pp. 45–148.

to submit any portion of this territory within that line to arbitration.

In this state of the controversy President Cleveland, in his annual message of December, 1894, directed the attention of Congress to the unsatisfactory condition of the negotiations on the subject, and, expressing the belief "that its early settlement . . . is in the line of our established policy to remove from this hemisphere all causes of difference with powers beyond the sea," announced his intention to renew his efforts to secure a reference of the dispute to arbitration.[1] A few weeks thereafter a joint resolution was passed by Congress declaring "that the President's suggestion . . . that Great Britain and Venezuela refer their dispute as to boundaries to friendly arbitration be earnestly recommended to the favorable consideration of both parties in interest."[2]

Strengthened by the action of Congress, President Cleveland determined to make a new and more decided effort to bring the controversy to a settlement, and Secretary Olney prepared a lengthy and exhaustive paper, in the form of an instruction to Ambassador Bayard in London, reviewing the history of the boundary dispute and the hitherto fruitless efforts of the United States, and stating the basis of the present intervention of the United States, which was, he claimed, an application of the Monroe Doctrine. He said that, in view of the continued refusal of Great Britain to arbitrate except upon condition of a renunciation of a large part of the Venezuelan claim and of the concession to herself of a

[1] 9 Richardson's Messages, 526.

[2] 28 Stat. at Large, 971.

large share of the territory in controversy, the United States was compelled to decide how far it was bound to see that the integrity of Venezuelan territory was not impaired by its powerful antagonist. He asserted that a nation may avail itself of the right to interfere in the disputes of other nations whenever what is done or proposed by any of the parties is a menace to its own integrity, tranquillity, or welfare. The essence of the Monroe Doctrine is that our own security and welfare demand that the political control of an American state shall not be forcibly assumed by a European power. Though the Venezuela dispute related to a boundary line, it imports political control to be lost or gained over a great extent of country, and involves the command of the mouth of the Orinoco, a matter of immense consequence to the nations of South America. Great Britain was not an American state because of its possession of American colonies, and its encroachment on Venezuelan territory, if it should prove to be such, would be a plain infringement of the Monroe Doctrine; and it was the duty of the United States to have the rights of Venezuela respected. He said the attitude of Great Britain towards Venezuela was substantially as follows: "You can get none of the debatable ground by force, because you are not strong enough; you can get none of it by treaty, because I will not agree to it; and you can take your chance of getting a portion by arbitration only if you first agree to abandon to me such other portion as I may designate." Such a position, Mr. Olney held, if adhered to, would be regarded as amounting to an invasion and conquest of Venezuelan

territory. In these circumstances the duty of the President appeared to him unmistakable and imperative, and Mr. Bayard was instructed to urge upon Lord Salisbury a definite decision whether Great Britain would agree to submit the Venezuela question in its entirety to arbitration.

This paper was criticised by the English press and magazine writers as verbose, in a style not commonly employed in state papers, violent in language, in contemptuous disregard of other great nations, containing glaring misrepresentations of fact, full of extravagancies, perversities, and audacity.[1] This, however, is the criticism which has been visited upon every Secretary of State from the days of John Quincy Adams down to the present time, whenever the arrogance and the selfish conduct of Great Britain have been exposed. The fact is that the paper is not open to the charge of undiplomatic language, and, although subject to some qualification, it constitutes the most complete and satisfactory statement of the Monroe Doctrine thus far made.

It received at the hands of Lord Salisbury a very careful and respectful consideration, in two dispatches to the British ambassador in Washington, one being confined to a discussion of the Monroe Doctrine and the other to the Venezuela boundary dispute. He maintained that President Monroe never thought of claiming the novel prerogative for the United States set up by Mr. Olney, and that, although entitled to great respect, the Monroe Doctrine had not been ad-

[1] The Nineteenth Century, Dec. 1896. London.

mitted into international law so as to be binding upon other nations; that the present controversy was one with which the United States had no apparent concern; that it was not a question of the imposition upon the people of South America of any system of government devised in Europe, but simply the determination of the frontier of a British possession; that while the United States has a right, like any other nation, to interpose in any controversy by which its own interests are affected, its rights are in no way strengthened or extended by the fact that the controversy affects some territory which is called American; that it is the same right as, and no greater right than, in case of Japan or China; that while he admitted that any disturbance of the existing territorial distribution in the American hemisphere by a European state was highly inexpedient, he could not admit that such a condition was covered by the Monroe Doctrine; and he closed by substantially reasserting the previous position of Great Britain, that while a portion of the disputed territory could be submitted to arbitration, there was a portion which could not be so submitted.

Lord Salisbury's dispatches bore date of November 26, 1895, and on December 17, very soon after their receipt in Washington, President Cleveland sent to Congress his celebrated message, which created intense excitement in both America and Europe. With the message he submitted the correspondence between Secretary Olney and Lord Salisbury,[1] and, referring to his lordship's declaration that the Monroe Doctrine was

[1] S. Ex. Doc. 31, 54th Cong. 1st Sess.

inapplicable "to the state of things in which we live at the present day," he stated that he regarded the doctrine as "important to our peace and safety as a nation, and essential to our free institutions, . . . was intended to apply to every stage of our national life, and cannot become obsolete while our republic endures;" that Great Britain having finally refused to submit the dispute to arbitration, nothing remained but to accept the situation and deal with it accordingly; that a commission should be appointed to investigate and determine what was the true divisional line between Venezuela and British Guiana; that when the report of that commission was made and accepted, it would be the duty of the United States to resist, by every means in its power, the appropriation of any lands which we have determined rightfully belong to Venezuela; and that in making these declarations he was "fully alive to the responsibilities incurred."

Congress acted with great promptness and unanimity upon the President's recommendation by authorizing the commission and appropriating $100,000 to meet the expenses of the investigation;[1] and the President appointed a commission from among our most learned men. If we are to judge from the tone of the English press during the occurrence of these events, the conclusion would be that war between the two English-speaking nations was inevitable; but it is evident that such a thought was not entertained by the British government. The diplomatic negotiations were continued, and it was finally agreed that the whole territory in dis-

[1] 29 Stat. at Large, 1.

pute should be submitted to arbitration; and, through the friendly intervention of the United States, a treaty to that effect was agreed upon between Venezuela and Great Britain. The arbitration was concluded in 1899, and resulted in fixing a territorial line which was a compromise between the claims of the contending nations, which has been peacefully accepted by them.

President Cleveland's conduct received the enthusiastic indorsement of the great mass of the people of the United States. There were, however, a number of newspapers, political writers, and public men of prominence who disputed his position, as not warranted by the spirit of the Monroe Doctrine. I do not agree with the latter. I regard the President's action as a consistent, judicious, and necessary application of the true intent and spirit of that doctrine.

It is gratifying to note that the effect upon European nations has been most salutary. Not since the triumph of our government in the Civil War had anything, up to that time, occurred which gave our country greater prestige abroad. The London Times, in commenting on the arbitration treaty with Venezuela, said: "From the point of view of the United States the arrangement is a concession by Great Britain of the most far-reaching kind. It admits a principle that in respect of South American republics the United States may not only intervene in disputes, but may entirely supersede the original disputant and assume exclusive control of the negotiations. Great Britain cannot, of course, bind any other nation by her action, but she has set up a precedent which may in the future be quoted with great

effect against herself, and she has greatly strengthened the hands of the United States government in any dispute that may arise in the future between a South American republic and a European power in which the United States may desire to intervene."[1]

A writer in the Nineteenth Century magazine (London, Dec. 1896), in collating European sentiment on the subject, gives the following result: "The best informed French and German journalists, . . . though they acknowledge the equity and prudence of the compromise [to arbitrate] which has been reached, think it necessary to point out that it involves possibilities of considerable gravity, not merely to England and the United States, but also to the civilized world in general;" and he cites, as indicating the prevailing sentiment, the Cologne Gazette, which "insists that a precedent has been established by the joint action of the two Anglo-Saxon powers, the effects of which are likely to be felt long after the British Guiana boundary question has been forgotten."[2]

[1] London Times, Nov. 14, 1896.

[2] The same writer discusses at some length the consequences involved in the interposition by the United States in a controversy between a South American and European nation. He refers to the vast extent of the yet unoccupied territory of Brazil, and says: "Let us suppose — not an extravagant supposition — that some time in the early part of the next century a couple of millions of Germans find themselves living in Southern Brazil, and that they also find the government of a gang of half-caste attorneys and political adventurers at Rio Janeiro no longer tolerable. The Uitlanders revolt and are beaten; they appeal to their own government for protection and annexation. What will the United States do? . . . It is conceivable that even the prestige of the United States might not be sufficient to induce a powerful European monarchy to abandon a large population of its own subjects without a struggle.

The United States delegates to the International Peace Conference, which met at The Hague, in 1899, in signing the convention for the peaceful settlement of international conflicts, made in the conference the following declaration which was entered in the protocols: "Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in, the political questions or policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude towards purely American questions." This declaration did not commit any other nation to the policy set forth, but it was a solemn notice to the world of the continued adherence of the United States to the Monroe Doctrine.

From the foregoing historical review I think it may be fairly deduced that the principle or policy of the government of the United States, known as the Monroe Doctrine, declares affirmatively: —

First. That no European power, or combination of powers, can intervene in the affairs of this hemisphere for the purpose, or with the effect, of forcibly changing

. . . But this would be 'antagonizing the interests and inviting the opposition of the United States,' and according to the Olney doctrine would have to be opposed by the forces of the Union. . . . If the scramble for South America once begins, neither the latent resources nor the moral influence of the United States will avail to protect its clients without the display of effective material strength." Nineteenth Century, London, Dec. 1896.

the form of government of the nations, or controlling the free will of their people.

Second. That no such power or powers can permanently acquire or hold any new territory or dominion on this hemisphere.

Third. That the colonies or territories now held by them cannot be enlarged by encroachment on neighboring territory, nor be transferred to any other European power; and while the United States does not propose to interfere with existing colonies, "it looks hopefully to the time when . . . America shall be wholly American."

Fourth. That any interoceanic canal across the isthmus of Central America must be free from the control of European powers.

While each of the foregoing declarations has been officially recognized as a proper application of the Monroe Doctrine, the government of the United States reserves to decide, as each case arises, the time and manner of its interposition, and the extent and character of the same, whether moral or material, or both.

The Monroe Doctrine, as negatively declared, may be stated as follows: —

First. That the United States does not contemplate a permanent alliance with any other American power to enforce the doctrine, as it determines its action solely by its view of its own peace and safety; but it welcomes the concurrence and coöperation of the other in its enforcement, in the way that to the latter may seem best.

Second. That the United States does not insist upon

the exclusive sway of republican government, but while favoring that system, it recognizes the right of the people of every country on this hemisphere to determine for themselves their form of government.

Third. That the United States does not deny the right of European governments to enforce their just demands against American nations, within the limits above indicated.

Fourth. That the United States does not contemplate a protectorate over any other American nation, seek to control the latter's conduct in relation to other nations, nor become responsible for its acts.

It has been said that the Monroe Doctrine has no binding authority, first, because it has not been admitted into the code of international law; and, second, because it has never been adopted or declared by Congress. In reply, it may be said that the principle which underlies the Monroe Doctrine — the right of self-defense, the preservation of the peace and safety of the nation — is recognized as an elementary part of international law. The doctrine did not require congressional action to control the conduct of the Executive, any more than the policy announced in Washington's address of non-interference in European affairs. But since the action of Congress on President Cleveland's Venezuelan message, it can no longer be contended that Congress has not formally given its approval to the doctrine, and that too, as the opponents of its latest application admit, in its most extreme form. It stands to-day as a cardinal policy of our government. In the prophetic language of Mr. Jefferson, "it sets our

compass and points the course which we are to steer through the ocean of time opening on us." We may well close its consideration with the words of Daniel Webster in the United States Senate: "I look on the message of December, 1823, as forming a bright page in our history. I will neither help to erase it or tear it out; nor shall it be by any act of mine blurred or blotted."

APPENDIX.

SECRETARIES OF STATE 1781–1900.

SECRETARIES.[1]	PRESIDENTS.
Robert R. Livingston, of New York . . . Entered upon duties October 20, 1781. Retired June, 1783.	Under the Confederation.
John Jay, of New York . . . . Entered upon duties December 21, 1784. Retired March 21, 1790.	Under the Confederation and George Washington.
Thomas Jefferson, of Virginia . . . . Entered upon duties March 22, 1790. Retired December 31, 1793.	George Washington.
Edmund Randolph, of Virginia . . . . Entered upon duties January 2, 1794. Retired August 19, 1795.	George Washington.
Timothy Pickering, of Pennsylvania . . . Entered upon duties August 20, 1795. Retired May 12, 1800.	George Washington and John Adams.
John Marshall, of Virginia . . . . Entered upon duties May 13, 1800. Retired March 4, 1801.	John Adams.
James Madison, of Virginia . . . . Entered upon duties May 2, 1801. Retired March 3, 1809.	Thomas Jefferson.
Robert Smith, of Maryland . . . . Entered upon duties March 6, 1809. Retired April 1, 1811.	James Madison.

[1] The duties of the Department of State have at various times been discharged by *ad interim* appointments, the incumbents being the chief clerk, assistant secretary, or some Cabinet minister.

SECRETARIES.	PRESIDENTS.
James Monroe, of Virginia . . . . Entered upon duties April 2, 1811. Retired March 3, 1817.	James Madison.
John Quincy Adams, of Massachusetts . . Entered upon duties September 22, 1817. Retired March 4, 1825.	James Monroe.
Henry Clay, of Kentucky . . . . Entered upon duties March 7, 1825. Retired March 3, 1829.	John Quincy Adams.
Martin Van Buren, of New York . . . . Entered upon duties March 28, 1829. Retired May 23, 1831.	Andrew Jackson.
Edward Livingston, of Louisiana . . . . Entered upon duties May 24, 1831. Retired May 29, 1833.	Andrew Jackson.
Louis McLane, of Delaware . . . . . Entered upon duties May 29, 1833. Retired June 30, 1834.	Andrew Jackson.
John Forsyth, of Georgia . . . . Entered upon duties July 1, 1834. Retired March 3, 1841.	Andrew Jackson and Martin Van Buren.
Daniel Webster, of Massachusetts . . . . Entered upon duties, March 5, 1841. Retired May 8, 1843.	William H. Harrison and John Tyler.
John C. Calhoun, of South Carolina . . . Entered upon duties April 1, 1844. Retired March 10, 1845.	John Tyler.
James Buchanan, of Pennsylvania . . . . Entered upon duties March 11, 1845. Retired March 7, 1849.	James K. Polk.
John M. Clayton, of Delaware . . . . . Entered upon duties March 7, 1849. Retired July 22, 1850.	Zachary Taylor and Millard Fillmore.
Daniel Webster, of Massachusetts . . . . Entered upon duties July 22, 1850. Died October 24, 1852.	Millard Fillmore.

SECRETARIES.	PRESIDENTS.
Edward Everett, of Massachusetts . . . Entered upon duties November 6, 1852. Retired March 3, 1853.	Millard Fillmore.
William L. Marcy, of New York . . . . Entered upon duties March 7, 1853. Retired March 6, 1857.	Franklin Pierce.
Lewis Cass, of Michigan . . . . Entered upon duties March 6, 1857. Retired December 12, 1860.	James Buchanan.
Jeremiah S. Black, of Pennsylvania . . . Entered upon duties December 17, 1860. Retired March 5, 1861.	James Buchanan.
William H. Seward, of New York . . . Entered upon duties, March 6, 1861. Retired March 3, 1869.	Abraham Lincoln and Andrew Johnson.
Elihu B. Washburn, of Illinois . . . . . Entered upon duties March 5, 1869. Retired March 17, 1869.	Ulysses S. Grant.
Hamilton Fish, of New York . . . . . . Entered upon duties March 17, 1869. Retired March 12, 1877.	Ulysses S. Grant.
William M. Evarts, of New York . . . . Entered upon duties March 12, 1877. Retired March 7, 1881.	Rutherford B. Hayes.
James G. Blaine, of Maine . . . . Entered upon duties March 7, 1881. Retired December 19, 1881.	James A. Garfield and Chester A. Arthur.
Frederick T. Frelinghuysen, of New Jersey . Entered upon duties December 19, 1881. Retired March 6, 1885.	Chester A. Arthur.
Thomas F. Bayard, of Delaware . . . . Entered upon duties March 7, 1885. Retired March 6, 1889.	Grover Cleveland.
James G. Blaine, of Maine . . . . Entered upon duties March 7, 1889. Retired June 4, 1892.	Benjamin Harrison.

SECRETARIES.	PRESIDENTS.
John W. Foster, of Indiana . . . . Entered upon duties June 29, 1892. Retired February 23, 1893.	Benjamin Harrison.
Walter Q. Gresham, of Illinois . . . . . Entered upon duties March 6, 1893. Died May 28, 1895.	Grover Cleveland.
Richard Olney, of Massachusetts . . . . Entered upon duties June 10, 1895. Retired March 5, 1897.	Grover Cleveland.
John Sherman, of Ohio . . . . Entered upon duties March 6, 1897. Retired April 26, 1898.	William McKinley.
William R. Day, of Ohio . . . . Entered upon duties April 28, 1898. Retired September 16, 1898.	William McKinley.
John Hay, of the District of Columbia . . Entered upon duties September 30, 1898.	William McKinley.

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